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COVER PHOTO BY *Sergeant First Class Ed Malone*

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CORRESPONDENCE

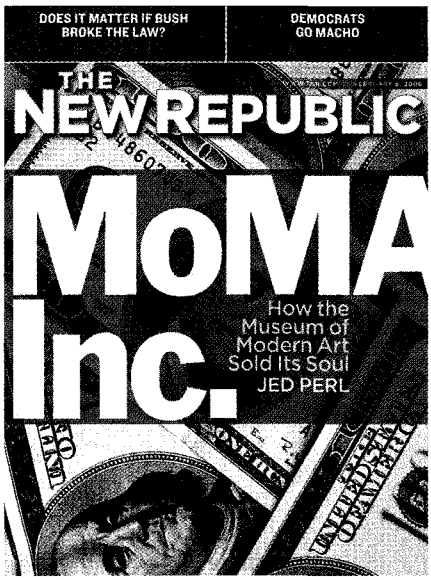
ARTFUL ADMINISTRATOR

MOST LEADERS IN THE ARTS, REGARDless of their discipline, are currently challenged to discover, cultivate, and negotiate new relationships with audiences; work with new forms of media and technology; immerse themselves in the work of contemporary artists from all over the world; and strengthen and maintain their institutions ("Arrivederci MoMA," February 6). This calls for a new kind of leadership, one that breaks down barriers inside and outside of organizations. So it is unfortunate that Jed Perl's article offers such a one-dimensional portrait of the Museum of Modern Art's director, Glenn Lowry. He is that rare individual who combines artistic vision and a deep knowledge of modern and contemporary art with strong managerial and administrative skills. His work has been dedicated to reinforcing the museum's mission—that includes opening the Education and Research Center this fall and encouraging artistic discovery and debate across all curatorial departments. He is not only a visionary, but also an intellectual who can speak as eloquently about a work of art or architecture as on issues facing the art world. Lowry is a charismatic leader with unending curiosity and an enormous capacity to energize and bring out the best in those around him. That is what's required to present art in our ever more complex world. I don't work in his discipline, but I constantly find inspiration from him.

ANNA DEAVERE SMITH
Trustee
The Museum of Modern Art
New York, New York

LATIN LIBERALISM

PETER BEINART OVERLOOKS AN obvious counterpoint ("Special Interest," February 13). If you believe that a particular political movement or leader plans to use the forms of liberal democracy to eviscerate its institutions—whether Jean-Bertrand Aristide, Hugo Chávez, or Jacobo Arbenz—then an idealistically democratic foreign policy can quite easily encompass opposition to that leader and his party. One can even say, as


DOES IT MATTER IF BUSH BROKE THE LAW?
DEMOCRATS GO MACHO
THE NEW REPUBLIC
MoMA Inc.
How the Museum of Modern Art Sold Its Soul
JED PERL

Jeane Kirkpatrick did, that we should support authoritarianism over totalitarianism when there is no middle ground immediately practicable, with the expectation that authoritarianism is more fertile ground for democracy. (Hence the support for a coup against Chávez in order to short-circuit his deepening leftist dictatorship.) One can argue against the various assumptions in this argument—or in its particular applications—but the argument itself is not intellectually dishonest.

DAVID RANDALL
Brooklyn, New York

SPY GAMES

THE ONGOING DEBATE BETWEEN THE administration and its critics about the legality of domestic spying is anything but "esoteric," as Richard A. Posner calls it ("Wire Trap," February 6). At stake is our fundamental identity as a liberal democracy committed to the rule of law. Posner may be right to argue that the existing statutory framework—the Foreign Intelligence Surveillance Act (FISA)—for counterterrorist intelligence is anachronistic. But this by no means justifies his belittling of civil libertarians worried about the weak legal basis for the administration's spying activities by ascribing to them a view of law tantamount to a "Platonic abstraction." If FISA is anachronistic, then we need to develop a new legal framework. The fact of the matter is that the administration has instead focused its energies on circumventing existing law, rather than reforming or modifying it. In the immediate aftermath of the attacks, one might see why administration officials opted for this path. But four years have passed, and the Bush administration has had more than ample time to advance a reasonable legal change. Instead, it appears to accept Posner's disturbing view that the legal basis for its actions in the war on terrorism is somehow an "esoteric" concern.

WILLIAM E. SCHEUERMAN
Professor of Political Science
Indiana University
Bloomington, Indiana

WITH ALL DUE RESPECT TO POSNER, his article downplays a salient point: FISA is the law of the land. Why is the president, four years after September 11, choosing to ignore a statute that he could so easily have asked the Republican-controlled Congress to change?

DESMONDE PRINTZ
New York, New York

POSNER ARGUES THAT, UNDER FISA, the government must cross a high bar in order to eavesdrop on a "U.S. person" and that "it must already have a reason to believe he is [a terrorist]." But the secret FISA court has granted thousands of warrants since its inception—while denying only a handful. Does this mean that there are possibly thousands of terrorists living in the United States?

JON SCHWARTZ
Los Angeles, California

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Our lives are filled with everyday questions of fact and finance. Which investment brings the highest return? What school district is the house in? What will this candidate actually do if elected? But the really fundamental questions of our lives, says Professor Patrick Grim, are questions of neither fact nor finance. The really fundamental questions are questions of value. These are the deep questions that apply to every aspect of our lives.

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About Your Professor

Dr. Patrick Grim is a Distinguished Teaching Professor of Philosophy at the State University of New York at Stony Brook. While a Fulbright Fellow at the University of St. Andrews, Scotland, he earned his B.Phil. He received his Ph.D. from Boston University. He is the author of *The Incomplete Universe: Totality, Knowledge, and Truth* and the founding coeditor of more than 20 volumes of *The Philosopher's Annual*. He has been awarded the President and Chancellor's awards for excellence in teaching and has been elected to the Academy of Teachers and Scholars.

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Failing Grade

TRB FROM WASHINGTON

SOME OF MY BEST FRIENDS ARE professors. Many of my relatives, too. I'd probably be one myself, had I done better in graduate school. But, this week at least, I'm glad I chose another line of work, because the most prestigious professoriate in the world, Harvard's, has just made an ass of itself.

It has done so by toppling President Lawrence Summers, who resigned rather than face a second faculty no-confidence vote, which he seemed set to lose. In explaining the coup, conservatives will cite political correctness. They'll say that, by challenging African American Studies Professor Cornel West and musing about the relationship between gender and scientific aptitude, Summers ran afoul of the left-wing dogmatism that dominates campus life. But that gives the faculty too much credit. It lets them pretend they were defending some abstract ideal, some principle larger than their own self-interest. The truth is far shabbier: The Harvard faculty deposed Lawrence Summers because he wanted them to care about something beyond themselves.

First, Summers wanted tenured professors to teach. And not just that; he wanted them to teach large undergraduate survey courses. Summers noticed what people have been noticing for a long time: Students at Harvard—and at other prestigious universities—often graduate without the kind of core knowledge that you'd expect from a good high school student. Instead, they meet Harvard's curricular requirements with a hodgepodge of arbitrary, esoteric classes that cohere into nothing at all. Summers wanted to change that, perhaps by making students take overview courses that gave them a general introduction to different disciplines. The problem is that those are exactly the kinds of courses Harvard professors don't want to teach. Most professors are specialists. They want to delve ever more deeply into their particular research areas. The more their teaching tracks that research, the easier their lives are. So they offer classes on obscure micro-topics. The last thing they want is to bone up on introductory material they forgot in graduate school. Summers, who made a point of teaching a freshman seminar himself, thought perhaps they should. And, for that, he was accused of not respecting the faculty. When he mentioned reviving Harvard's introductory art history survey to one top professor in the department, she responded that no self-respecting scholar would want to teach such a course. "Are we citizens or employees?" asked another professor, pretentiously. How naïve of Lawrence Summers: He actually thought they might be teachers.

Summers certainly wasn't opposed to research. But he was impolitic enough to ask various departments to explain why their research mattered. He evidently believed that, as president of the world's premier university, asking probing questions about the direction of academic disciplines was part of his job. The poor fool. He even had the temerity to ask West, one of only 19 "university professors," a rank supposedly reserved for the greatest scholars in the world, what he was doing. The confrontation exploded because West is high-profile and black. But he wasn't the only university professor who was asked about his work. And, for many faculty, the really offensive part wasn't that Summers confronted a black faculty member. It's that he asked *any* tenured faculty member to justify how they spent their time. "Once someone's a tenured professor," one professor told *The Chronicle of Higher Education*, "if he wants to write articles for *The Wall Street Journal* and *The New York Times* instead of doing his scholarship, he has every right to do that. Once someone is a tenured professor, they answer to God. It's as simple as that." Summers thought it was a little more complicated: He thought that tenured professors had a responsibility to cultivate more than their own egos. It's unlikely his successor will make the same mistake.

Finally, Summers thought it was a problem that roughly 90 percent of Harvard seniors were graduating with honors. The Ivy League considers itself a bastion of meritocracy. But, as Summers understood, Harvard's shameless grade inflation mocks that pretense. By giving almost everyone very high grades, Harvard promotes the fiction that virtually all of its graduates are academic superstars—and obscures those who actually are. Worse, it punishes those less exalted universities naïve enough to believe that a mediocre student deserves a C. As a result, students with honest transcripts find themselves at a disadvantage when competing for jobs or graduate school.

But, for professors, giving everyone absurdly high grades is the path of least resistance. The last thing an academic wants is angry students showing up at her office door, trying to appeal their grades. Far easier to preemptively capitulate, which seems to be what the Harvard faculty thought Summers would do as well.

Even more than professors, one might have expected Harvard students to rebel against Summers's crusade against grade inflation. But they didn't. In fact, despite all the news reports about how controversial Summers was at Harvard, he doesn't seem to have been that controversial among students at all. An online poll found that only 19 percent of undergraduates believed Summers should resign. A *New York Times Magazine* profile noted that virtually "every student who has actually had contact with Summers has come away liking him." And, while the faculty passed a no-confidence vote against him last year, graduate students in the arts and sciences rejected one. One wonders, in fact, what might happen if Harvard students were given the chance to vote no-confidence in their professors.

Perhaps none of this really matters. In this era of conservative power, in which politicians are more likely to run against America's top universities than to learn from them, Harvard is largely irrelevant. But that was part of Summers's project: to challenge the narcissism that makes Harvard easy to ignore. It's why he has made it easier for students to participate in ROTC. It's why he waived tuition for families making less than $40,000 a year. It's why he wanted professors to do useful research and students to learn basic knowledge. As one of the few contemporary college presidents who tried to turn liberal ideals into government policy, rather than just opining about them from the ivory tower, he wanted Harvard to serve the nation, not merely itself. And, when Harvard hired him five years ago, that's what it said it wanted, too. Now we know the truth. **PETER BEINART**

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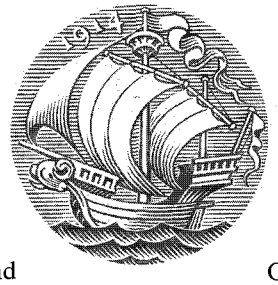
Hamas and Us

IT IS ALMOST comic how often the Israeli-Palestinian conflict has been called tragic, but this time a tragedy has really come to pass, and it is all the more stinging for having taken place without bloodshed, in the realm of politics—even of democratic politics. The tragedy is that Kadima and Hamas are in the ascendant at the same time. At the very moment that the Israelis have achieved a new consensus about withdrawing from territories and abandoning settlements and establishing borders and acquiescing in the creation of Palestine, the Palestinians have achieved a new consensus of the antithetical sort and have elected, by a significant majority, a movement that stands brazenly for theocracy and terrorism and the destruction of Israel. The contradiction could not be sharper or more disheartening.

The democratic legitimacy of the Hamas victory says nothing about the moral and historical legitimacy of the Hamas program. It is important to be clear about this: The results of free and fair elections can also be opposed. Hamas does not represent a radical nationalism. It represents a religious nationalism. The Palestinians now have an Islamist leadership. Worse, a jihadist leadership: Hamas has been in the forefront of the suicide bombings of recent years, and of the sanctification of suicide bombings. These are not extremists; these are killers, and the ideological instructors of killers. Yes, yes, Hamas also presides over institutions of social welfare and despises corruption. So what? This is the oldest of fascist alibis. The probity of Hamas is an authoritarian probity. Are they to be admired because they will murder but will not steal?

For many decades, Israel refused to recognize the PLO. It had its reasons for this, the PLO's terrorism foremost among them. But, insofar as the refusal to recognize the PLO was also a refusal to recognize the reality of the Palestinians, it was bound to crumble; and, in 1993, it did, in a handshake between a brave Israeli leader and a low Palestinian leader. But Hamas, by contrast, has no claim whatever on the recognition of any Israeli, or American, or Westerner, or citizen of modernity. It must not be allowed to hide its reactionary sectarian crusade behind its people's aspirations. It does not want justice; it wants its preferred version of injustice—for Israelis *and* Palestinians. The burden of proof now rests not partially but entirely on the Hamas leadership. So far, it deserves to be met only with hostility and skepticism.

But that is not all that they have met with. "The Russian Foreign Ministry has never regarded Hamas as a terrorist organization." Vladimir Putin uttered those stupefying words on January 31, days before inviting Hamas to send a diplomatic delegation to Moscow. With that stunning sentence, Putin vitiated his own much-vaunted antiterrorism—"The State Department has never regarded Shamil Basayev as a terrorist": How does that sound?—and served notice that Russia has chosen to remain faithful to the Soviet Union's meretricious foreign policy in the Middle East.



Pour épater les americains, Putin has agreed to meet with a group whose charter endorses the anti-Semitic worldview behind *The Protocols of the Elders of Zion*—a Russian export, come to think of it. Then a French Foreign Ministry spokesman expressed sympathy with Putin's plan: "We share with Russia the goal to bring Hamas to the positions which allow us to reach the goal of two states living in peace and security." Never mind that the goal of one state only is Hamas's reason for being. And then Jimmy Carter—surprise!—put another nail in the coffin of decency and sense by warning, in *The Washington Post*, that Israeli and U.S. attempts to make life difficult for Hamas would "alienate the already oppressed and innocent Palestinians." Innocent? Not of freely bringing this hateful party to power. So now, too, the Palestinians are to be exempted from the consequences of their actions.

All of these hemi-demi-semi-friends of Hamas would like to believe that their friendship will have a moderating influence. More generally, one hears over and over that the rise of Hamas is a perverse kind of good news, because power breeds responsibility. But the history of the Middle East, and of many other regions of the world, has demonstrated the opposite. Again and again, power has bred irresponsibility. Consider Mahmoud Ahmadinejad in Iran. And consider, too, Khaled Mashal, the exiled leader of Hamas, who was in Tehran this week arranging for Iranian assistance. What drove Mashal into Ahmadinejad's arms was not Israeli or U.S. policy. It was a deep political and philosophical affinity. They are made of the same stuff; and it is not the stuff of which we are made. ■

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NOTEBOOK

THE ENERGY'S THERE, THE MONEY IS NOT . . . ON WMD, GOD MARKS THE SPOT

POWER OUTAGE

IT'S "ENERGY WEEK" AT THE WHITE House. That means President Bush is traveling the country to talk up his new alternative energy initiatives. His Energy Week speeches emphasize the cutting-edge—even startling—nature of his plans to revolutionize power and fuel supplies in the United States, and his rhetoric combines the futuristic with the family-oriented: "Think about how your children or your grandchildren may be able to spend a President's Day in the future," he rhapsodized at Johnson Controls, a Milwaukee auto-parts supplier. "If you're planning a trip to visit relatives, you can plug in your hybrid car the night before. . . . When you finally make it to where you're going, you can sit at a house that is lit by clean coal, or wind energy, or [a] solar-powered roof over your head."

Sadly, the fiscal year 2007 budget request Bush submitted to Congress on February 6 doesn't support his Energy Week rhetoric. He asked to increase the Department of Energy's funding by an insignificant 0.1 percent, diminish the amount of discretionary funding available to the department's appropriations subcommittee by $700 million, and fund energy programs significantly *below* the benchmarks established by the Energy Policy Act of 2005.

"The most versatile of [available] fuels is natural gas. . . . In other words, there's a lot of uses for natural gas," Bush explained in his lengthy Johnson Controls address. But his budget cut funding for natural-gas research. "[W]e're spending money—your hard-earned money—on research to develop a vehicle that . . . won't produce any pollution whatsoever. And that's through hydrogen," he proclaimed. But his budget provided only a third of the money the 2005 bill authorized for hydrogen research. With maneuvers like these, that imaginative scene Bush conjured of an energy-friendly, all-American road trip is likely to remain science fiction.

George W. Bush

Meanwhile, earlier this month, a $28 million budget shortfall resulted in 32 employees at the National Renewable Energy Laboratory losing their jobs. Mysteriously, $5 million was suddenly transferred back to the lab, and the laid-off workers were reinstated just days before Bush made a high-profile visit there to celebrate Energy Week. "I recognize that there have been some interesting—let me say mixed—signals when it comes to funding," Bush acknowledged at the lab on Tuesday. No kidding—and there's no sign they'll get any clearer in 2007.

PAT ROBERTS: VERTEBRATE?

WE TAKE A LOT OF SHOTS AT PAT Roberts, the White House water carrier who moonlights as chairman of the Senate Select Committee on Intelligence. After all, whenever there's a call by Senate Democrats to investigate a particular allegation of abuse by the Bush administration in the national security arena, the Kansas Republican quickly responds with an insinuation that congressional oversight is the favored tool of Al Qaeda. For instance, earlier this month, when Democrats raised the question of the administration's controversial warrantless surveillance program during a committee hearing, Roberts bristled that "some of my Democrat colleagues used this unique public forum to make clear that they believe the gravest threat we face is not Osama bin Laden and Al Qaeda, but rather the president of the United States."

But now it's time to give Roberts his due. Last week, the White House began to cave to congressional pressure to craft a bill authorizing the surveillance program. But the administration's preferred legislative fix is a proposal by Senator Mike DeWine to exempt the program entirely from the Foreign Intelligence Surveillance Act (FISA), thereby transferring oversight of the program—and responsibility for preventing its abuse—from an experienced court to an after-the-fact review by congressional subcommittees. On Friday, Roberts publicly dissented, saying that the program "should come before the FISA court." Good for him: Not only did Roberts's support for amending FISA to accommodate the legitimate aspects of the surveillance program push the White House toward a reasonable solution, it came just days after Dick Cheney implored GOP senators to essentially shut down inquiries into the program's dubious legality.

Of course, Roberts did adjourn his committee without agreeing to an investigation. But he indicated he was using the deferred inquiry as leverage to bring the program under FISA, telling *The New York Times*, "It was

DAVID COWLES

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our activity that brought [the administration] along to this point, plus the possibility of an investigation." And, according to the *Times*, what apparently brought Roberts to this point was his being "stung by accusations that he had caved to White House pressure." We'll take that as a compliment.

SEEK AND YE SHALL FIND

CRITICS OF THE BUSH ADMINISTRATION have always been quick to latch onto revelations of political pressure on intelligence agencies—and significant disagreement among them—over Iraq's WMD capabilities. They see them as proof that the president's decision to go to war with Iraq was based not on concrete evidence of the existence of weapons of mass destruction but on blind faith. This charge has always seemed a bit simplistic—well, until now.

Bill Tierney, who served as a U.N. weapons inspector in Iraq in the late '90s, told *National Review Online* this week that he would look to God to direct him to possible WMD sites. "God is my intel," Tierney told *NRO*. His belief in the existence of a uranium-enrichment plant near Tarmiyah was supported, he said, by the fact that a friend had seen it in a dream. This facility has not yet been discovered, but Tierney complains that other weapons inspectors didn't take his intel seriously, and he believes history (let's call it the Final Judgement) will vindicate him. Just as cowboy boots became the *mode du jour* in Washington following Bush's election in 2000, expect the proliferation of bumper stickers around town now: GOD IS MY WEAPONS INSPECTOR.

Tierney also said that, as an intelligence analyst for the U.S. military, he had sought God's help in triaging the hundreds of daily threat reports that would come across his desk: "So I'm sitting there going, 'Alright, God, I need help. Thank you for showing me which one of these things is important and which one is not.' " We don't mean to belittle anyone's religious convictions, of course. With a war on and the threat of terrorism unabated, these are dark days, indeed. For many, God can be a source of comfort, inspiration, and guidance. *Spiritual* guidance. Besides, at this point, it will take more than a prayer to find Iraq's missing WMD. ■

TNR.commentary

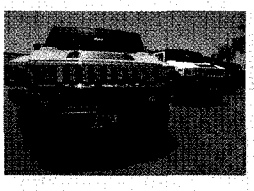
EXCERPTS FROM THE NEW REPUBLIC ONLINE

Why Hummers are unpatriotic.

RECKLESS DRIVING

By Lawrence F. Kaplan

At first glance, Route 27, which winds its way into the Hamptons, and Route Irish, which winds it way into Baghdad, appear to have nothing in common. But they do. On both roads, today's vehicle of choice is the Humvee. Needless to say, it serves vastly different purposes in each place.



Humvee-bashing has become a favorite sport on the left because these monsters consume too much fuel. But Humvees merit criticism from the right, too. Far from paying tribute to the troops driving them in Iraq—one of the many purposes that aficionados say their Humvees serve—the vehicle's function as an icon of ostentatious wealth pays them a gratuitous insult.

According to Martin Padgett, the author of *Hummer: How a Little Truck Company Hit the Big Time, Thanks to Saddam, Schwarzenegger, and GM*, buyers "see themselves as dare-takers. The risk that they take might not be driving a convoy in Iraq. It might be making a huge stock sale, but they picture themselves in the same level of risk." Needless to say, this is completely deluded. To begin with, the Humvee's purpose in Iraq is to reduce risk. But, even with extra armor, driving around Iraq in a Humvee carries with it dangers that driving around, say, Amagansett does not.

The distance between the war in Iraq and the absence of any trace of it at home, which owning a Humvee is somehow meant to close, is in fact epitomized by it. Only in a nation that has been completely insulated from war's effects could a vehicle of war become a trophy for the rich. It's not enough that those who most enjoy the benefits and freedoms of this country serve it the least. Now they've made leisure rides out of the war machines used by those who serve. The reluctance to abide any constraint on personal autonomy, the conflation of rights and duties—it's all there in one vehicle. Want to make America a better place? Buy a Suburban.

The Kurds aren't Shia fans.

HOSTILE MAKEOVER

By Spencer Ackerman

Irbil, Iraq—What happened to Adel Abdul Mahdi? Less than a month ago, Mahdi was the odds-on favorite to become Iraq's next prime minister. As the largest party in the next parliament, the Shia superbloc known as the United Iraqi Alliance (UIA) has wide latitude to choose the prime minister, and Mahdi was the choice of his party, the Supreme Council for Islamic Revolution in Iraq (SCIRI), which was thought to be the dominant faction within the UIA. Throughout January, Kurdish notables had suggested to reporters that they would prefer a Mahdi premiership to another term for Ibrahim Jafari, whom they consider a theocrat and, worse, a weakling.

But whatever Kurdish goodwill Mahdi possessed wasn't enough. Last week, followers of radical cleric Moqtada Al Sadr rallied just enough support for Jafari to earn him a renomination as prime minister, thereby preventing a victory by Sadr's opponents in SCIRI. The Kurds weren't happy with the Shia's choice—and, increasingly, they aren't happy with the Shia. Around Kurdistan, there's a surprising amount of hostility toward the Shia, with whom the Kurds formed the last government. Some even intimate that it wouldn't be such an awful thing if the Sunnis—who oppressed the Kurds for generations—returned to power. Ahmed Penjweny, a prominent Irbil cleric who served as a parliamentarian in Baghdad during the interim assembly, tells me, "The Shia are simple and ignorant. They can't rule Iraq. Only the Sunnis can." Clearly, Shia like Mahdi who look to the Kurdish north for governing partners should probably expect an icier reception than they've gotten in the past.

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Another suspect Bushie.

Force Fed

BY NOAM SCHEIBER

YOU DIDN'T HAVE to be Karl Rove to figure out that George W. Bush needed a respected economist to fill Alan Greenspan's shoes. Coming on the heels of the p.r. disasters that were Michael Brown and Harriet Miers, the last thing the White House could afford was another crony appointment. And so, in October, Bush nominated former Princeton economist Ben Bernanke to replace the outgoing Greenspan. Bernanke happens to be one of the world's leading experts on monetary policy.

Then came January. It turns out that, in addition to appointing a new Fed chairman, the Bushies also had two seats to fill on the Federal Reserve board, whose interest rate–setting power makes it by far the most influential actor in the global economy. One of these seats went to a University of Chicago professor and former White House economist named Randall Kroszner. Kroszner is an impeccably credentialed right-of-center candidate who, though a little young (he's 43), is basically the kind of person you'd expect a Republican president to nominate. And the other? It went to a 35-year-old White House aide named Kevin Warsh. Other than a Harvard Law degree and four years in the White House, the only qualification that jumps out at you is the $165,000-plus his father-in-law has donated to various Republican committees since 2002. Warsh may be perfectly capable of hazarding opinions about the future of the economy. But, by that standard, there are tens of thousands of people entitled to a seat on the Fed. That makes Warsh's appointment a big step down a slippery slope that could eventually erode the institution's competence.

MOST FED-WATCHERS believe that an ideal Federal Reserve board would contain some combination of Ph.D.-level monetary economists and a smaller subset of top banking or finance executives. To get a sense of how far Warsh is from this profile, it's helpful to consider other nominations that have been second-guessed in recent years. In 1991, the first President Bush nominated a 36-year-old economist named Lawrence Lindsey. Lindsey had been a protégé of Martin Feldstein, the Harvard economics pooh-bah and former top White House economist. At the time of his nomination, Lindsey had held a handful of White House staff positions. Critics worried he was too political. But at least Lindsey had a Ph.D. in economics from Harvard and had briefly taught there as well. Then, in 1997, Bill Clinton nominated Roger Ferguson, a 45-year-old partner at the business consulting firm McKinsey, to take Lindsey's seat on the board. Ferguson was unfamiliar to the Wall Street and academic economists who follow the Fed obsessively. But he, too, had a Ph.D. in economics from Harvard. (Ferguson came to be such a valued member of the Fed that he was subsequently promoted, with then–Chairman Alan Greenspan's support, to the role of vice chairman.)

Warsh clearly lacks either man's academic credentials. And, unlike Lindsey, he is a complete unknown among economists—even among the economists who have populated the Bush administration. "I really don't know much about him," says Kent Smetters, a professor at the University of Pennsylvania's Wharton School who served as a deputy assistant Treasury secretary from 2001 to 2002 and then as a Treasury consultant the following year. "We *might* have interacted a few times—but I really can't recall" (emphasis added). Says Mike Moore, a George Washington University economist who worked in the Bush Council of Economic Advisers between 2002 and 2003: "I don't know him. ... I was a bit puzzled by" the nomination.

Similarly, Warsh's experience at the investment banking firm Morgan Stanley, where he worked for almost seven years, is fairly middling compared with Ferguson's background at McKinsey. Ferguson was a partner at the prestigious firm—the highest attainable rank. Warsh left Morgan Stanley in 2002 as an executive director, the level before one faces the critical sorting-out within the company's hierarchy. "Getting promoted [to executive director] is not the issue. Everyone pretty much moves in lockstep. The significant promotion is to managing director," says Tom Clayton, who sat across from Warsh during their first year at Morgan Stanley and has been a friend ever since. In any case, Warsh was either an associate or a vice president for most of his time at Morgan. These are lower-level positions involving numerous rote tasks, such as overseeing the production of spreadsheets and PowerPoint presentations.

According to Clayton, Warsh worked mostly on mergers and acquisitions within the technology sector. To the extent Warsh ever negotiated deals himself, the substance of the work would have drawn on his legal background—navigating regulatory issues, antitrust issues, et cetera—and other noneconomic know-how. "The skills you need to be strong in are corporate finance, accounting," says Clayton. "It is not a position that requires advanced education in economics." Of the Fed job, he adds, "It seems to me a post that's more kind of academic than his—he is not an ivory tower guy. ... I don't know if there is a long-term compatibility with his interests."

Clayton points out that Warsh was frequently in the top of his class at Morgan Stanley when he came up for evaluation. But some former colleagues found him exceedingly glib. "He was all form, no substance," says one. "He called everyone 'bra.' 'Hey, bra. Whatcha working on, bra? Got any capacity? I've got a new deal for you.' ... He was good at little speeches: 'Guys, you should be excited to be at Morgan Stanley. There's lots of cool stuff going on.' "

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In 2002, Warsh married Jane Lauder, heiress to the Estée Lauder cosmetics fortune and daughter of longtime Republican contributor Ron Lauder. That same year, he accepted a job on the staff of Bush's National Economic Council (NEC), where his portfolio included banking and financial market issues. As before, Warsh performed ably enough. But his job was heavy on administrative work. Dylan Glenn, a friend and former NEC colleague, says it fell to staffers like Warsh to "communicate the president's wishes throughout the government" and build consensus across lower levels of the federal bureaucracy. So, for example, if the White House wanted to propose new regulations, someone in Warsh's position would have conveyed this to all the relevant assistant secretaries in various Cabinet agencies and then synthesized their proposals. "Kevin's responsibility, and mine, was to make sure the president had all the information he needed," says Glenn. White House spokesman Trent Duffy doesn't dispute this, but he says Warsh also helped develop policy the way a top congressional staffer might.

THE PROBLEM WITH having someone of Warsh's stature on the Federal Reserve board is twofold. First, all Fed chairman are fallible, even brilliant ones like Bernanke. Though interest rate decisions technically come up for a vote, the Fed's Open Market Committee tends to arrive at them through consensus, and most chairmen prefer to minimize the number of dissenters. That means a strong board can rein a chairman in. By contrast, a pliant board will defer to the chairman too much, as occasionally happened in the Greenspan era. Warsh's Senate testimony last week was not entirely encouraging in this regard (though he was nonetheless confirmed). Asked about the recent divergence between wage and productivity growth, Warsh partially blamed the war on terrorism and the recent corporate scandals, a theory with little currency among economists. True, the Fed has other responsibilities besides economic policy—such as bank regulation—for which Warsh's background is more relevant. But these are secondary functions where the board is already strong.

The broader problem is the precedent Warsh sets. Appointing someone like him to the Federal Reserve board dramatically lowers the bar for future appointments, which makes it more likely that the body of powerful technocrats will come to be dominated by political hacks. (Wednesday's announcement that Ferguson will resign in April gives Bush yet another crack at the Fed.) This is, needless to say, not advisable. If you want to know what happens to an economy without a strong, independent central bank, just take a look at the economic performance of, say, Mexico over the last 30 years and see how you feel about it. Even the heyday of Reagan-era economic quackery didn't produce a Fed nominee as lacking in qualifications or experience as this one. The only way you appoint Kevin Warsh to a seat on the Federal Reserve board is if you have little respect for the practice of economic policy-making and you're not ashamed to admit it. But, then, we already knew that about George W. Bush. ■

Timbuktu Dispatch

Desert Storm

BY JOSHUA HAMMER

THE SUN HAS just set over the dunes of the Sahara, and the terrace bar of the Hotel Bouctou, Timbuktu's oldest tourist lodge, is filling up with customers. Tuareg nomads draped in traditional blue robes, or *bubu*; Westernized locals in jeans and college T-shirts; and foreign tourists sway to the music of Salif Keita, the great Malian vocalist. In the fading light, almost nobody seems to notice the five young Americans with close-cropped hair and trim physiques nursing Castel beers at a circular table in the corner. "They've taken over a block of the Hotel Bouctou, and they keep to themselves," Azima Ali, a Tuareg tour guide, whispers to me as the call of the muezzin from Timbuktu's dozens of mosques rises over the sandy alleys in the gathering darkness.

The strangers at the corner table may seem mysterious, but, here in Timbuktu, their identity has become something of an open secret: They are U.S. Special Forces. What's far less clear is exactly what they do when they leave the hotel and strike out over the dunes. "We're not authorized to talk to the press, sir," one of them responds when I sidle over to their table and introduce myself.

For centuries, the word "Timbuktu" has been a metaphor for the end of the earth. But, now, this desolate patch of mud mosques and mud-brick houses at the southern fringe of the Sahara has assumed an unlikely new identity: a focal point in the global war on terrorism. According to Western diplomats and Malian officials in Bamako, Mali's capital, Islamic terrorist groups have come to regard the poorly controlled, sparsely populated region north of Timbuktu as both fertile ground for recruitment and as a potential site for training camps, modeled after the secret enclaves set up by Osama bin Laden in Afghanistan in the 1990s. Concerned about the radical threat in Mali, the Bush administration has been sending teams of Special Forces to Timbuktu and Gao, an oasis 250 miles to the east, to train Malian troops in counterterrorism and to conduct their own operations.

After a rocky start that one American diplomat attributes to bureaucratic rivalry and a clash of strategies for fighting terrorism, the State and Defense departments are cooperating closely in the Sahel, the vast region bordering the

Joshua Hammer is a correspondent at large for NEWSWEEK. *His latest book,* YOKOHAMA BURNING: THE DEADLY 1923 EARTHQUAKE AND FIRE THAT HELPED PAVE THE WAY TO WORLD WAR II, *will be published in September.*

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U.S. Special Forces, operating quietly out of Timbuktu, train Malian soldiers to destroy enemy camps.

southern Sahara. Military training and border patrols have gone hand in hand with an ambitious outreach program run by diplomats in Tuareg villages along the old salt route between Mali and Algeria. But the Islamic extremists in Mali aren't giving up easily. Repeating a pattern seen in other countries, such as Kenya, they are marrying into the local population and buying support among sheiks and imams, quietly spreading the message of jihad.

THE ROOTS OF the problem in Mali's north go back at least 15 years, when Tuareg nomads, frustrated by years of drought and the failure of the Malian government to come to their aid, rose in armed rebellion. After a series of peace accords, the uprising ended in 1996, and the Tuaregs surrendered hundreds of Kalashnikov rifles, which were buried in the concrete pedestal of a "Monument to Peace" that sits on a rise on Timbuktu's outskirts. But the final agreement was essentially a face-saving device for the Malian government, which had neither the funds nor the manpower to continue fighting. Malian authorities agreed to draw down their military presence in the region north of Timbuktu, and diplomats say there was also a tacit understanding that they would not interfere with the Tuaregs' traditional source of income, the smuggling of contraband across the porous desert borders. After the Malian army retreated in the mid-'90s, the area became an ever wilder no-man's-land, and radical elements moved into the vacuum.

Mali emerged as a potential terrorist threat in spectacular style three years ago. In early 2003, a radical guerrilla movement, the Salafist Group for Preaching and Combat—an offshoot of the Islamists who fought a bloody civil war against Algeria's military regime in the '90s—seized 32 European trekkers who were wandering unescorted in the desert border zone between Algeria and Mali. Algerian commandos rescued 17 of them two months later. The remaining 15 were held captive in a nearly impenetrable wasteland of arid canyons and cliffs inside Mali, several hundred miles northeast of Timbuktu. The Salafist leader, Amari Saifi, a charismatic militant with ties to Al Qaeda, handed out gifts, including four-wheel-drive vehicles, to local sheiks in exchange for support and protection. American officials say that he married at least two Tuareg girls in Mali, which helped his group dig its roots deeper into the region.

Ultimately, the German government reportedly paid the Salafists a $6 million ransom for the release of the remaining hostages in August 2003. (One German woman died of heatstroke during the group's long and harsh captivity.) Intelligence sources say that the Salafists used the cash to purchase surface-to-air missiles, heavy machine guns, mortars, satellite telephones, and global positioning systems to enable them to bury and then recover weapons caches in the Sahara sands.

Shortly after the hostages' release, locals tell me, the first U.S. Special Forces showed up at the Hotel Bouctou. They have been coming and going ever since. "They stay for a month or so, then they disappear," says Ali, who spends most evenings at the Bouctou bar, sometimes engaging the men in small talk about the desert and Tuareg traditions. "They are friendly, but if you ask them about what they're doing here in Timbuktu, they change the subject."

In fact, the men serve as an integral part of the U.S. government's Trans-Sahara Counter Terrorism Initiative, a five-year, $100 million program aimed at preventing groups allied with Al Qaeda from establishing a foothold in the thousands of miles of desert that stretch in northern Africa, from Mauritania to Chad. The Special Forces have trained their African counterparts in desert-combat techniques, provided them with four-wheel-drive vehicles and tracking and communications equipment, and tried to establish cross-border cooperation between counterterrorism units that, in the past, have had almost no contact with one another. In 2004, the Special Forces achieved their biggest success, orchestrating the ambush and capture in western Chad of Saifi, the Salafist group's leader, nicknamed "Al Para" because of his background as a paratrooper in the Algerian military. Western diplomats tell me that the Salafist group has continued to carry out attacks against the Algerian government—but that Al Para's successor has apparently decided against more high-profile seizures of Western tourists. "They're still using Mali as a rear base to rest and recuperate," one diplomat tells me.

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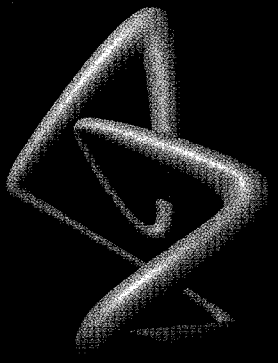

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IN RECENT MONTHS, Western and Malian officials have detected a surge of Islamic recruitment efforts in the Malian Sahara. The Malian government has closely followed the travels of several itinerant imams from Pakistan who have proselytized throughout the north. "They've let the Pakistanis know they're not welcome," one Western official tells me. In Kidal, a desolate Tuareg trading post 150 miles north of Gao, not far from where the European hostages were held, the town mayor established close ties to Al Para in 2003 and has since become a convert to Dawa Al Tabligh, an extreme branch of Islam whose adherents often advocate using violence to spread the religion. In recent months, sources say, more Tuareg women have been wearing the burka in Kidal, and the mayor has given impassioned speeches urging people to send their children to madrassas and to reject secular influences. Meanwhile, the Saudis have constructed dozens of Wahhabi mosques in Timbuktu and other desert communities, founded orphanages, and lavished cash on local charities. "The north is huge and impoverished, with lots of unemployed and angry young men," a Western diplomat in Bamako tells me. "The potential for the exploitation of disenfranchised youth definitely exists."

I get a sense of the new atmosphere one stiflingly hot afternoon in Timbuktu. With a blinding sun high overhead, my driver and I wind along the edge of town, where concrete huts give way to Tuareg canvas tents, sand dunes, and herds of goats foraging through piles of trash. Amid the squalor rises a bright yellow stucco mosque, built recently by Saudi Wahhabists and topped by a 30-foot-high minaret. It is by far the best-constructed new building in Timbuktu. The imam, a member of the local Songhai tribe, has succeeded in attracting about two dozen residents of Timbuktu to Friday prayers, my driver, Baba, tells me, including some of the same young men who proudly displayed Osama bin Laden T-shirts after September 11. But Azima Ali, the Tuareg tourist guide, tells me that the imam's message is still unpopular in Timbuktu. "The people here are not extremists," he says. "The kind of Islam that we practice is generous and kind. We don't believe in spreading the religion through violence. If you are not a Muslim, nobody can force you to be one."

It remains unclear whether the Islamists will find a safe haven in Mali's desolate north. But everybody knows that the threat is there. After our visit to the Saudi-built mosque, Baba and I drive through the center of town. We pass Timbuktu's renowned Djingareyber Mosque, an imposing mud fortress built in the fourteenth century, when Timbuktu was a commercial and intellectual center of north Africa. "As long as this mosque rises over the city," Baba tells me, "the Wahhabis can never become strong." Baba's confidence isn't thoroughly convincing. A few moments later, a jeepload of Malian troops roars past, kicking up clouds of dust, back from an exercise in the Sahara. Baba watches them somberly. "We are glad to have them here," he murmurs. "Who knows what is happening in the desert?" ■

Katherine Harris won't go away.

Party Crasher

BY MICHAEL CROWLEY

FORT WALTON BEACH, FLORIDA

KATHERINE HARRIS DOESN'T have a bodyguard anymore. More than five years after the events that made her infamous, the death threats have passed. The man who nearly ran her down with his car—"exercising my political expression," he said—has been dealt with by the authorities. But she's not quite in the clear.

"Can we throw things at her?" asks a scraggly man in a black jacket who has just been informed that Harris, now a second-term U.S. representative from Sarasota, is a few yards ahead, preparing to ride in the annual Mardi Gras parade here. Too late—the parade is underway, and his target rolls by in the bed of a green pickup truck festooned with red, white, and blue signs that declare her current life mission: HARRIS FOR SENATE.

Under a gray sky, people of all ages have lined the parade route, their necks draped in Mardi Gras beads. Even the dogs sport necklaces. The older folks relax in beach chairs, the younger ones drink beer and holler for beads and candy. Directly behind Harris, island music blares from a float saluting Jimmy Buffett. It's not the most dignified setting, but Harris takes to it comfortably. She laughs and waves as she tosses strands of beads into outstretched arms. "Nice catch!" she'll say, or, "Sorry, bad throw!"

Most people in this heavily Republican Gulf Coast panhandle town cheer her on. "Go Kathy!" they yell. "Yeah, Katherine!" But there is also a running commentary from both sides about the main thing on everyone's mind whenever Harris is around.

"*Loved* what ya did to Al Gore!" exclaims one man who lunges from the crowd and into the street, pointing at Harris for emphasis.

"Give me some chads! Give me some chads!" a woman shouts.

"Oh, we don't like Katherine Harris," a man explains to his young daughters, who look vaguely alarmed. "She's the one who made Bush the president."

On it goes. "Count me twice!" someone yells. And from the porch of a house comes a strange and singular cry: "LIEEEEBERRRMAAAAAAAN!"

Welcome to Karl Rove's nightmare. Republicans are bracing for a potentially disastrous 2006 election, and there's no clearer example of their troubles than Katherine Harris's peculiar candidacy. Here in Florida, Republicans see a sitting duck in the Democratic Senate incumbent—freshman Bill Nelson, whose job approval rating has

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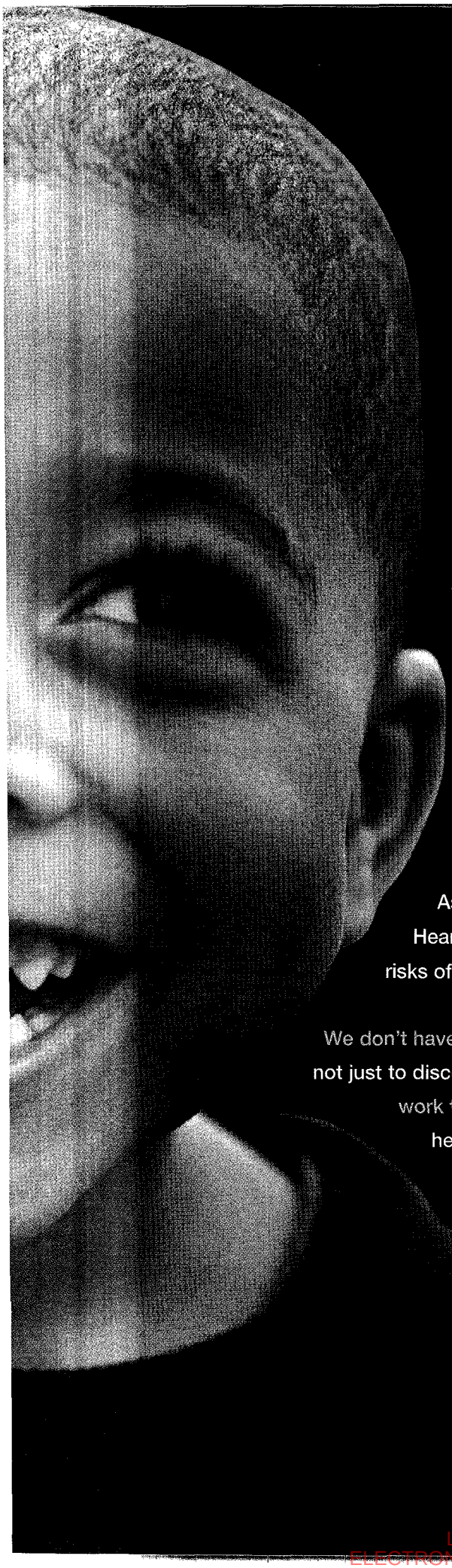

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dipped perilously below 50 percent. All Republicans need is a strong challenger—not one of the most divisive figures in American politics. Harris may be a star on conservative turf like Fort Walton Beach, but, in poll after poll, Nelson trounces her. In one February survey, Nelson led Harris by nine points and thrashed her among prized independent voters by a 64–18 margin. A newer poll has Nelson up by a 49–34 spread. Harris also has a dubious track record—underwhelming victories in her two campaigns for the House, despite massive name recognition and fund-raising advantages. Harris is so toxic, Republicans say, that she could hurt *other* GOP candidates, perhaps even threatening the party's chances at holding the governor's job.

That's why, since announcing plans to run for Senate last June, Harris has received all the hospitality of a bag lady who has wandered into Tiffany & Co. Republicans openly wrung their hands and mounted a frenzied, painfully public, and thus far futile search for an alternate candidate. But it wasn't just Harris's ballot-box liability that rankled her party. It was the mere fact of her reappearance on the national stage, a most unwelcome reminder that the very legitimacy of Bush's presidency has always been in dispute. However much Bush may appreciate Harris's performance in 2000, rewarding her is surely not worth risking a Senate seat and reminding the world of the undignified way he came to office.

But Harris has no intention of going away. She is a woman with unfinished business, determined to undo her popular image as a vapid, makeup-glazed henchwoman—and perhaps even to fulfill a kind of divine calling. The maddening paradox she faces is that the more she tries to run away from the 2000 recount, the more she—and her party—has to relive it.

THE SICKLY SWEET smell of grease and butter is in the air. It's Saturday morning at a Golden Corral family restaurant in Panama City, and Harris has stopped by to chat up some diners. Harris, 48, is smartly dressed and laden with jewelry, as is the usual style of a citrus heiress who once estimated her net worth at $5.5 million (and married a rich Swede for good measure). A pair of Gucci sunglasses rest atop her head. Most conspicuously, the infamously severe makeup (liberal media photo-doctoring, she charges) has been scaled back to a tasteful dusting of pastels.

Far from her shrewish reputation, Harris bounces through the bustling restaurant with all the good cheer of a sorority president. She is shepherded by a local Republican activist named Vicki Doolittle, who moves a table ahead of Harris, prepping the patrons for her imminent visit. "Remember the recount, with the votes and all?" Doolittle tells one family. "She was the one that took care of it!"

For supporters like Doolittle, Harris all but earned a Senate nomination through her heroism in the recount. Harris insists she only "followed the law." But she'll forever be seen as a kingmaker. At a local GOP dinner in 2001, for instance, Harris had to correct a well-intentioned introduction that described her as having "assisted" Bush's election. Harris herself once told a reporter about asking a fourth-grade girl visiting her office what she thought the secretary of state's job entailed. "You get to choose the president of the United States!" the girl replied.

And why not? As Florida's secretary of state, Harris repeatedly enforced deadlines that had the effect of excluding recounts likely to favor Al Gore. This was awkward, to say the least, in light of Harris's co-chairmanship of Bush's Florida campaign. Coupled with her lather of makeup and her strained on-camera smile, Harris offered Democrats a fine villain to symbolize their charges of a stolen election—"an amalgam of Kenneth Starr and Linda Tripp," as John Podhoretz wrote in *The Weekly Standard*. Democratic spokesman Chris Lehane called her "a Soviet commissar." Gore strategist Paul Begala said she was Cruella de Vil "coming to steal the puppies." Others likened her to Marilyn Manson, "Leona Helmsley on Halloween," a transvestite killer, and, in this magazine, Ozzy Osborne. Nothing was out of bounds. Bill Maher, then of ABC's "Politically Incorrect," even told a joke with this punch line: "And, for a few brief moments, America held the hope that O.J. Simpson had murdered Katherine Harris."

To be sure, conservatives flooded Harris's office with flower bouquets and marriage proposals, and many party activists still consider her a heroine. But Washington Republicans believe that Harris is an electoral kiss of death. "If Katherine Harris is the nominee, we lose," the *Winston-Salem Journal* quoted a spokesman for the National Republican Senatorial Committee (NRSC) as saying last fall. The spokesman later denied making the remark—but frosty comments about Harris from party leaders like Florida Governor Jeb Bush and NRSC Chair Elizabeth Dole echoed the sentiment. Even after Harris met with Bush last year and claimed his support, for instance, a spokesman would say only that Bush "wished her well in her campaign."

But Harris is impervious to the naysaying. A former prom queen and well-known socialite around Sarasota before her political career began, Harris likes to project can-do optimism. Rather than bristle when I ask her about the GOP's resistance to her candidacy, she professes to find the upside in it. "I understand there are people who don't want the word 'recount' to surface," she says. "But it's a great part of the story. I've had people come up to me and say, 'Gee whiz, you stood up to the big guys in D.C. That means you'll stand up for Florida!' "

Still, one senses that the GOP's treatment pains her. Last June, an unnamed Florida operative aligned with Harris told *The Hill* it was "a stab in the back" that the White House and the NRSC "would be so disloyal to Katherine Harris, especially after all she has done for the Bush family and the Republican Party." And it's not just her recount duties: Since coming to the House in 2002, Harris has been a reliable party-line vote for the GOP. Compounding the insult, Harris agreed not to run for Senate in 2004—with the

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implicit understanding that she would have White House support this time around.

No one could have predicted that Katherine Harris would wind up fighting a Washington Republican establishment that exists, in part, thanks to her. Not unlike George Bush, in fact, she had an aimless young adulthood and entered politics almost as an afterthought. Harris was born into an extremely wealthy Florida family—her grandfather, Ben Hill Griffin Jr., was a famous citrus and cattle baron and state politician. She was raised in privilege in central Florida, and she reminisces about gamboling around her grandfather's ranch on horseback. After graduating from a small Georgia women's college, she worked inconsequentially as a real-estate broker and a marketer for IBM, becoming best known for her role in Sarasota's moneyed establishment. A former art student, her family connections got her appointed to a local museum board, and, in Harris's own telling, she threw herself into politics after a boorish state legislator told her he considered Rubens to be a kind of sandwich. Harris won a tough campaign for state Senate in 1994 and became secretary of state in 1998—meaning she'd had less than six years of minor-league government experience when the course of history passed through her Tallahassee statehouse office in November 2000.

A passion for the arts, however, has always seemed an unlikely explanation for the determination—"a strange mixture of stubbornness and courage," as one former aide puts it—that powered Harris through the recount, into Congress, and now into a Senate race where she is not especially welcome. Another explanation can be found in Harris's 2002 book, *Center of the Storm*, which helps to show how an unfocused daughter of privilege became such an intensely driven political operator.

Overall, the book presents a woman intent on dispelling the implication that "I was not to be taken seriously because I was a spoiled rich kid." "She thinks she's the smartest person in the room," says another former aide. (Harris is a famously domineering boss, as evidenced by her revolving-door staff turnover.) Hence we get a name-dropping extravaganza, peppered with quotes from Samuel Johnson, Anton Chekhov, and Erasmus. (I even saw her bewilder a voter by saying, "You should read the 'Communist Manifesto.' It's really interesting.") One finds a reference to "Rembrandt, Mary Cassatt, and Picasso," as well as a mention of "the variation between the architecture of Wren, Wright, and Pei." Harris also suggests parallels between her recount ordeal and the travails of Vaclav Havel, Alexander Solzhenitsyn, Sojourner Truth, and Winston Churchill.

More tellingly, Harris writes about her "life-altering" 1979 encounter with the late evangelical leader Dr. Francis Schaeffer, who invited the young Harris to study at L'Abri, his Protestant ministry tucked into the Swiss Alps. While

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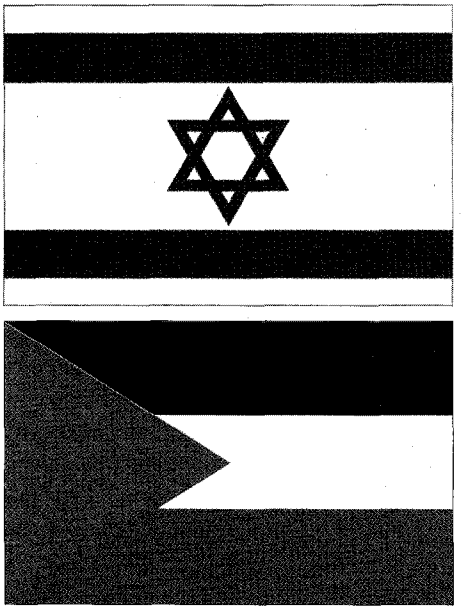

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there, Harris writes, she became "enthralled" with Schaeffer's teachings. Harris, a Presbyterian, hints vaguely at Schaeffer's ideas—the effect of culture on the "social cancers attacking the soul of America." But she never quite spells out Schaeffer's James Dobson–esque views: denunciations of secular humanism and "the killing of human babies" and exhortations that the United States be returned to its "Judeo-Christian foundation" by any legal means possible. Harris displays in the book, as she did during interviews at the time of the recount, a revealing admiration for the biblical Queen Esther, who risked her life to save Jews from slaughter. Like Esther, Harris suggests, she may have been divinely chosen for her ordeals—just as Bush himself is often said to believe. Harris's book quotes the words spoken to Esther by her uncle, Mordecai: "And who knows but that you have come to royal position for a time such as this?" And that's not all. In 2002, Harris explained to the *Tampa Tribune* that she had originally expected the recount to end her political career. Instead, she said, she "stumbled into [her] own destiny." Running for office was a "spiritual" endeavor and a means of "fulfilling the role God has put [her] on this Earth to accomplish." Perhaps, then, this is the source of Harris's determination and of what Florida historian and Republican activist Allison DeFoor admiringly describes in Harris's eyes as "a look of almost spooky resolve."

CANDIDATES WITH A certain spooky resolve may be just what the GOP needs in 2006. It used to be that you didn't say no when Karl Rove asked you to run for Senate. Republicans say that's a big reason why they control the chamber today—as exemplified by the way Rove and George Bush talked a reluctant John Thune into taking on and defeating Senate Democratic leader Tom Daschle in 2004. But, in a year so far defined by congressional scandals, the Iraq quagmire, and Bush's waning popularity, Rove has been striking out.

In West Virginia, Representative Shelley Moore Capito declined to make a run at 88-year-old Democratic Senator Robert C. Byrd, as did at least three others before the party finally settled on businessman John Raese. In September, Rove was rebuffed after flying to North Dakota to implore GOP Governor John Hoeven to challenge Democratic Senator Kent Conrad. Personal entreaties from Elizabeth Dole couldn't cajole the Republican governor of Vermont, Washington state's defeated 2004 gubernatorial nominee, nor several prominent Republicans in conservative Nebraska to jump in. A personal phone call from George Bush to Michigan Representative Candice Miller last winter was another bust. Worst of all, Republicans haven't found a credible opponent to run against Hillary Clinton this fall—if only to bloody her up before her likely 2008 presidential run. "I don't think there's a single state, except maybe Maryland, where they've gotten their first-choice candidate," gloats Phil Singer, spokesman for the Democratic Senatorial Campaign Committee. (Democrats probably can't win the Senate outright, but believe they can trim the GOP's 55–45 majority to an almost-unmanageable margin.)

It was a similar story in Florida. Soon after Harris declared her candidacy, Dole and others publicly courted Florida House Speaker Allan Bense, Representative Mark Foley, former Army General Tommy Franks, and even the representative-turned-TV-host Joe Scarborough, but to no avail. Beyond the national dynamics that make such Republicans wary of risking their necks this fall was another daunting factor: Harris's beloved status among GOP partisans. "Katherine Harris is strong as battery acid in a primary," says Republican pollster Whit Ayres, "and enormously polarizing in the general."

By January, Republicans finally seemed resigned to Harris's candidacy. At a January 21 meeting of Republican activists, Jeb Bush said he would give her his "strong support," a public signal that the Stop Harris movement has ended. And, when he visited Florida last weekend, George Bush invited Harris to ride with him on Air Force One.

Still, there remains a degree of distance. Dole, who is rumored to personally dislike Harris, said in January only that "[s]he's a good candidate. She's a strong candidate. She's aggressively moving around the state and working hard raising funds. So we'll leave it there." And, when Harris flew to Florida with Bush, there was no photo-op. "They seem to be coming around a little bit, but I don't think they're going to do anything in a major way to help her," says one of the former aides.

In other words, the awkwardness isn't over—it has just begun. "She remains something of an embarrassment," says Ron Klain, former chief of staff to Al Gore and no Harris-lover. The Bushies "have been incredibly good about helping people who helped them in Florida. But she became the face of a part of this that was not part of the success story for Bush." Indeed, the GOP's preferred Bush creation myth really begins on September 11, when a great man's life intersected with world history. It's a far better story than the one about the butterfly ballot, the "Brooks Brothers riot," and a presidency claimed by a disputed 537-vote margin.

But there will be no escaping all that now. That much becomes clear, again, when Harris meets with voters at a community center in the Gulf Coast beach town of Navarre. She has just finished a tedious discussion of the trade deficit when a deep-voiced alpha male at the back of the room seizes the floor. "Let me tell you, folks, when the Democrats tried to intimidate her and make fun of her, and when Warren Christopher tried to take her on, she turned Warren Christopher into *dogmeat*! And I mean *chewed-up* dogmeat!" he says. Then he waves a donation check in the air, and the room bursts into applause. The man turns out to be a conservative talk-radio host named Kenneth Lamb. "The more she brings up that 2000 stuff," Lamb tells me confidently, "the more votes she's gonna get!" Karl Rove obviously feels differently. But it doesn't matter to Harris. She is on a mission—and there's no stopping her now. ■

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The case for staying in Iraq.

Centripetal Force

BY LAWRENCE F. KAPLAN

BAGHDAD, IRAQ

FOR A RETURN visitor, Baghdad International Airport offers a fitting portal into the new Iraq. Unlike the military side of the airport, where U.S. transport planes and helicopters operate in an industrious roar, the civilian side, which USAID renovated in 2003, now languishes in disrepair. Iraqi Airways flights, on which it was possible to light up a cigarette until recently, still come and go. But, in the terminal itself, the rest room floors are smeared with excrement, wires hang from the ceiling, and pay phones have been ripped from the walls. An emblem of war and poverty? Not really. The transportation minister, an ally of Moqtada Al Sadr and his rebellious Mahdi Army, has delegated responsibility for the airport's maintenance to the children of Sadr City, the Shia slum and the Mahdi Army's Baghdad base of support. The 14-year-olds in blue jumpsuits smoke, huddle, and even play tag. What they do not—and cannot—do is maintain an airport.

Not everything the U.S. enterprise touches here turns to gold. But everything it lets go of does seem to turn into dirt. With U.S. reconstruction aid running out, Iraq's infrastructure, never fully restored to begin with, decays by the hour. Iraq's political arena, from which the Americans had no choice but to withdraw, has dissolved into something unrecognizable, carved up for sectarian advantage and without a center to keep its parts from spinning away. In both cases, the United States may have given all it reasonably could be expected to give. But, when it comes to America's withdrawal from Iraq's security arena, a process that accelerates with each passing week, the only explanation can be that the White House, for all of its high-minded rhetoric about standing with Iraq, has decided not to. The insurgency continues to rage. Iraq's security forces still cannot operate on their own. And, as what was once a largely one-sided Sunni campaign of terrorism rapidly approaches something like parity (with the Shia taking up arms in their own defense), the likelihood of a civil war has surged. So, too, contrary to the delusions of war supporters and critics alike, has the importance of the Americans.

As the war takes a sectarian turn, the United States begins to look, even to many Iraqis, like an honest broker, more peacekeeper than belligerent. Sheik Humam Hamoudi, one of Iraq's most powerful Shia and a leader of the Supreme Council for Islamic Revolution in Iraq (SCIRI), knows this better than most. He sits, literally, atop the Iraqi government—in a sprawling office suite above Baghdad's convention center, where Iraqi politicians wheel and deal. As with many Shia politicians, Hamoudi, donning a clerical robe and turban, becomes animated when the subject turns to the U.S. military's campaign against Sunni insurgents. If anything, he believes it has been prosecuted with insufficient vigor. And, although he complains that the Americans have placed undue restraints on the Shia-dominated security forces, he likens the effect of a U.S. withdrawal from Iraq to "a child when he wants to walk and you ask him to play football." Absent the Americans, he says, Baghdad would be transformed into another Beirut.

Hundreds of miles to the west, in an Arabesque villa that rises out of the desert near the Syrian border, Sheik Abdullah Al Yawar—Hamoudi's mirror image in the Sunni community—echoes his concern. Al Yawar wields so much power in this insurgent hotbed that U.S. Army officers say he can turn the violence on and off like a faucet. For the moment, at least, he has turned it off, responding to pleas and aid from his American interlocutors. But he worries that the same Iraqi security forces that Hamoudi claims the United States has muzzled operate with too *little* American oversight. He claims they have been running amok through his province, beating and arresting his constituents and chanting Shia slogans. "If the Americans leave," he warns, "there will be rivers of blood." In their own way, then, both sheiks see the U.S. military presence for exactly what it has become: a buffer—between Iraq's sects and between relative order and complete mayhem.

WHETHER YOU MEASURE Iraq's well-being through its infrastructure, politics, security, or even geography, one thing is clear: Where the Americans do not operate, very little else does. The level of corruption that pervades Iraq's ministerial orbit, for instance, would have made South Vietnam's kleptocrats blush. The problem extends beyond a simple lack of good governance. In a case that has been highly publicized in the Iraqi press, Sunni lawmaker Mishaan Al Juburi was recently charged with embezzling funds meant to pay for the protection of an oil pipeline in Iraq's north. Not all that unusual, but prosecutors suspect he then funneled the money to insurgents who blew up the pipeline.

According to a U.S. Government Accountability Office report published earlier this month, an interagency group of

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State Department, military, and contracting officials concluded that "critical infrastructure facilities constructed or rehabilitated under U.S. funding have failed, will fail, or will operate in suboptimized conditions following handover to the Iraqis." Absent U.S. oversight, politicians from competing sects have transformed the ministries into personal fiefdoms, where expertise counts for nothing and connections for everything. And, just as the ministries have proved impervious to direction from above, local factories and refineries ignore the ministries.

One of the reasons Baghdad has only a few hours of electrical power each day is that electricity plants in the provinces refuse to provide it—reasoning, as the head of a plant in Iraq's south put it, that Baghdad had enough power under Saddam Hussein. Although partly a consequence of the security situation, corruption has helped drive every public service measure—electricity, potable water, heating oil—down below its prewar norm.

The dysfunction works its way down to the street, too, which becomes apparent on a visit to the home of Bakr (he asked that his last name not be used), an engineering student who lives in the middle-class Waziriya neighborhood. One morning, as he was studying, Bakr explains, he looked out his window and noticed men setting up a mortar in the middle of the street. As the government encourages all Iraqis to do, he called the Interior Ministry's emergency line, 130, to report the insurgents. "They didn't answer," Bakr recounts.

"The next day, my friends warned me not to call, because your telephone number appears and they sell it to the insurgents." He insists we drive his Opel—the Humvee of the Sunni, as Iraqis call it—to an adjacent neighborhood so he can prove the point. There, faded on a wall, hangs the picture of a young man and the announcement of his death. The dead man, Bakr explains, got through to the emergency line.

ANOTHER CASUALTY HAS been the authority of Prime Minister Ibrahim Jafari, whom the ministries routinely ignore. On the day the preliminary results of December's elections were announced, Jafari invites the election commissioners for dinner. The liberal activist Mustafa Al Kadhimiy wrangles two invitations, and, as we wait at the gate, Jafari's guards radio back and forth on their walkie-talkies—signing off with what, even in Iraq, stands out as religious phrasing: "Yes, believer." A concrete path leads to a footbridge and then across a moat, winding around Jafari's villa until it ends in a heated tent, which, Mustafa notes disapprovingly, is of Iranian vintage. But it is Jafari's relations with Iraq, not Iran, that most concern American officials here. Unlike his predecessor, Iyad Allawi, Jafari has a reputation for being cerebral, detached, and, most of all, weak.

His dinner guests look utterly exhausted. "The Sunni parties attack us," explains chief electoral officer Adil Al Lami. "We receive violence, assassination attempts." One commissioner seems to be on the brink of a nervous collapse. But not Jafari. As the commissioners pick at their kebobs, the prime minister announces that he has completed one of Thomas L. Friedman's books. Have I read *The Lexus and the Olive Tree*? As a television in the corner of the room conveys images of the carnage outside, Jafari admits to being partial to the works of Noam Chomsky. Why won't Chomsky come to Iraq? he asks. The commissioners don't know what to say. And, apart from expressing doubts about a Chomsky visit, neither do I. Later, asked if the prime minister offered this line of conversation for the benefit of a visiting American, a source close to Jafari responds, "No, this is how he talks in public. No one understands what he is talking about. But Iraqis—they like this. If they can't understand him, they think he knows something." Indeed, Jafari has become well-known for delivering inscrutable speeches that wander from Western philosophy to Arab literature and back again, leaving even seasoned translators perplexed. The confusion extends to his deliberations with the Americans. "Today, with our current government," Jafari tells me, "we tell the MNF [multinational forces] when to go. ... The MNF wait for our orders." Yet, when pressed on his relationship with coalition forces, Jafari sounds a more humble—and increasingly familiar—note. "If they leave today," he says, "we would be defeated."

Jafari's weakness notwithstanding, the imperial taint that colored the Coalition Provisional Authority (CPA) and its handpicked successor, Allawi, made it impossible for either to govern effectively. While Iraqis subsequently voted along sectarian lines, in this hollowed-out state, where tribe and religion remain the basic affiliations, this hardly came as a surprise. Even Mithal Al Alusi, one of a dwindling band of liberals still committed to the dream of a secular Iraq, has come to terms with the pathologies of Iraqi political life. Alusi made the mistake of traveling to Israel in 2004, and, for his sins, insurgents murdered his two sons. Bodyguards ring his house; a gun lies beside him on the couch. "The mistakes here are by the Iraqi side, not the American side," he says. "The Iraqi politicians only believe it is in their interest to push sectarian divisions." Kadhimiy echoes the sentiment. "Iraqi politics, it has moved beyond the Americans, except, you know, on security issues," he says. "There, the Americans, they still control everything."

WITH SECURITY HAVING been the exclusive property of the Americans for so long, Iraqis still ask when full ownership of their country will be returned to them. The million-dollar trophy that National Security Adviser Mowaffaq Al Rubaie keeps in his home study suggests the restoration has begun. For many Americans, the memory of Iraqis (supported by U.S. forces off-screen) pulling down Saddam's statue in Al Firdos Square still provides an inspirational bookend to the U.S. invasion. For Iraqis today, the statue—or at least its head—just provides a bookend. As the national security adviser tells it, in the aftermath of the invasion, a senior American officer tried to

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abscond with Saddam's head. But he only made it as far as Kuwait, where the authorities alerted Rubaie, who subsequently reclaimed the head for Iraq. So here it sits, in the national security adviser's study, where Iraqi elites express their hatred for Saddam by hitting him on the head with the soles of their shoes. "I put it here to remember Saddam is always here," he explains.

Iraqi forces, Rubaie concedes, have not reached the point where they can operate independently of the Americans. As if to prove the point, an American military officer in civilian clothes hovers in the background, answers the national security adviser's phone when a reporter calls, lives and travels with Rubaie, and, his fellow government ministers say, probably does much of the national security adviser's job for him. At the same time, Iraq's security forces have started to emerge from the shadow of their American instructors. Their training has been accelerated, and, in the near future, Rubaie sees "Iraqi security forces taking over, Iraqi forces taking the front line, [and] MNF doing logistical and support [functions]. By the end of 2007," he predicts, "we're very likely to see the last U.S. soldier."

According to the U.S. military, the Iraqi police force currently fields about 121,000 men, close to the number planned for, while the Iraqi armed forces number about 106,000 soldiers, nearly two-thirds of the force estimated for the end of this year. The Iraqi army no longer melts away in combat, nor does it suffer from mass desertions, as it did during its first battles in 2004. Army recruits now undergo a basic training course similar in length to their American counterparts, officers attend service schools, and Iraqis provide much of the instruction. As the security forces grow more competent, they have rapidly expanded the amount of territory under their control, which now includes several neighborhoods in Baghdad and large swaths of western Iraq.

But the professionalism of Iraq's security forces can be overstated, which becomes apparent to me a week later in western Iraq. As a U.S. Army convoy approaches within a few hundred yards of a U.S. outpost at a castle in Tall Afar, gunfire erupts on all sides. The Humvees speed toward the castle gate, where an Abrams tank links up with them, providing the convoy with extra firepower as it winds it way toward a forward operating base outside the city. The shooting, officers back at the base say at first, came from insurgents. Neither I nor the soldiers caught in the middle of it had that impression, and an officer later confirms what we know to be true: The Iraqi police, overwhelmingly Sunni in this area, and the Iraqi army, overwhelmingly Shia and Kurd, were firing on one another.

Sectarian clashes present one problem. The fact that the Army still cannot operate without access to U.S. firepower, logistics, communication, and intelligence presents another. Even conceding the Bush team's fanciful premise that Iraq will have 110 combat battalions operating by the end of the year (compared with three fully effective battalions a year ago and 40 today), American officers dismiss as wishful thinking the official line that Iraqi troops can replace U.S. troops on a one-to-one basis and then operate just as effectively as their American mentors.

As for the Iraqi police, if civil war comes to Iraq, it may be ignited as much by them as by the insurgents. For Iraq's police are, to an extent not fully grasped in Washington, not police at all. As one of his parting acts in June 2004, CPA chief L. Paul Bremer signed Order 91, outlawing militias in Iraq. In response, thousands of Shia militiamen exchanged their street clothes for police uniforms. As they have gotten better at combating Iraq's Sunni guerrillas, the insurgency, at least in Baghdad and its southern outskirts, has weakened, with attacks declining since last fall. The only problem is that brutality is one of the tactics that achieved these results.

The Interior Ministry's extrajudicial antics first came to light last November, when U.S. troops stumbled across a torture chamber in Baghdad operated by Interior police. Every week brings more handcuffed and decomposed bodies discovered in garbage dumps, rivers, and hastily dug pits. "Scores of individuals are regularly detained in the middle of the night and without judicial warrant," a recent report by the U.N Assistance Mission for Iraq says. "The rule of law continues to be challenged by the existence of militias and other groups who continue to act with impunity, confirming an urgent need for the State to assert control over its security forces." But these forces were never the state's to begin with. Unlike the Iraqi army, which operates in tandem with U.S. forces, the police recruit and operate locally, and, until recently, they did so largely free of U.S. supervision.

To rein in the brutality, American commanders have dispatched 4,000 military advisers to work and live alongside police and commando units. SCIRI's Hamoudi, for one, chafes at the interference, claiming the Americans—by condemning abuses at the Interior Ministry and thereby creating a "general feeling that the U.S. and British are biased toward Sunnis"—have strayed too far from the embassy compound. Pointing to comments by American Ambassador Zalmay Khalilzad, Hamoudi says, "When the U.S. or British ambassador intervenes to press against Shia, it is illogical." But there *is* a logic at work here. Just as the Americans create a buffer for Iraq's Shia by training and equipping their security forces to combat the insurgency, they're also building a buffer for Iraq's Sunnis, who increasingly rely on the U.S. military to keep those same forces in check. In areas like Salman Pak and Tall Afar, the once viscerally anti-American Sunni population has even turned to the Americans for protection.

FOR A GLIMPSE of what Iraq would look like in the event of a precipitous U.S. withdrawal, one need look no further than Tall Afar, where there *was* a precipitous U.S. withdrawal. Before the Third Armored Cavalry Regiment (3rd ACR) launched its offensive to clear Tall Afar last September, the city, like Falluja before it, had become a horror show. With only 400 soldiers

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from the 25th Infantry Division patrolling the roughly 10,000-square-mile sector around it, officers say, there simply weren't enough troops to pacify the city. During the Falluja offensive in November 2004, police stations across the province fell to insurgent attacks, and Tall Afar itself fell under guerrilla control. On the western side of the city, tension between Sunni and Shia tribes escalated into open warfare; the remnant of the Shia-dominated police force launched brutal reprisals against the population; and forces loyal to Abu Musab Al Zarqawi moved into the city, mounting their own campaign of atrocities—killing patients in the local hospital, kidnapping and beheading hostages, and forcing children to act as human shields. "I know people at home will roll their eyes," says one American officer, "but Restore Rights [the September 2005 operation to clear Tall Afar] cleansed this place of something genuinely evil."

Police headquarters in Tall Afar is located on the grounds of a centuries-old Ottoman castle, which sits on a large hill in the center of the city. From its parapets, one can usually see the entire city, but it is pouring rain, and even tanks slide in the mud. The castle also houses the mayor of Tall Afar, Najim Abdullah Jabouri, who, until recently, was the city's police chief as well. The mayor still operates as the city's de facto sheriff—a bullet-riddled police vest hangs on the wall of his office. The power has gone out, and it is freezing and nearly pitch-black, but the mayor seems relieved just to be here. Only a few months ago, he says, "Zarqawi was ejecting Shia from the city; and the sky—it was raining mortars. Now, we target the insurgents, not each other." Even today, 3rd ACR has Tall Afar locked down, with tanks on street corners and patrols crisscrossing the city. "The American Army is mediator and judge," the mayor says. "It is a higher authority than any institution in Iraq." So desperate, in fact, is the mayor to block 3rd ACR from leaving that he has penned a letter to President Bush, pleading for the unit to stay. "Our security forces are not well-equipped," he explains. "We are undertrained, nowhere near the situation where we can take care of our own responsibilities."

Still, the violence in Tall Afar has declined sharply. Following Operation Restore Rights, attacks on U.S. forces in Tall Afar dropped from about seven per day to one. At first, the city's Sunni leaders refused to cooperate with U.S. forces, citing the brutality of a Shia commando brigade operating in the area. But 3rd ACR had the brigade pulled back, and it released detainees whom the Sunni sheiks would vouch for. In addition, explains Lieutenant Colonel Christopher Hickey, whose Sabre Squadron operates out of the castle that houses police headquarters, "I knew I needed Sunni police to get information from the population. The Shia police were just inflaming sectarian violence." After pressing local leaders to encourage police recruits, Sunnis began to sign up, eventually swelling an exclusively Shia force of 200 into a majority Sunni force of 1,700. And, as Hickey predicted, intelligence tips began flowing in. The regiment also poured millions of dollars into the city, funding 150 water, electricity, school, and cleanup projects. At the same time, it embedded advisers with Iraqi army and police units. Today, 3rd ACR personnel live among Iraqi platoons and among the population itself, having fanned out across the city and established 29 patrol bases—including directly between the warring Sunni and Shia tribes.

HAVING MELTED INTO a once-hostile population center, the Americans have become an essential part of the landscape here—their own tribe, in effect. Seen from a helicopter roaring above Nineveh province, telephone wires provide the only evidence of modernity among the ancient forts, castles, and clay huts that dot the plain below. In this primitive universe, it's easy to confuse the door gunners, their aviation helmets emblazoned with Superman logos (the "S" actually stands for their unit, Stetson Troop), with actual supermen. Which many Iraqis do: Wedged between tribes of Sunnis Arabs, Turkomen, Shia, and Kurds, a regal and persecuted people—the Yazidis—call Nineveh province home. The Yazidis, who, among other things, don't wear blue, don't eat lettuce, and take a somewhat nuanced view of Satan (their Muslim neighbors have accused them, falsely, of being devil worshippers), initially confused the arrival of the Americans with the Second Coming. An officer at the forward operating base in Sinjar elaborates: "They think that, um, we're Jesus."

The Yazidis aren't the only ones. At a base in central Iraq a few days earlier, two U.S. helicopters taxi to a halt near a C-130. The crew chiefs jump out and guide two rows of detainees, handcuffed and blindfolded, away from the prop blast. A detainee's fate, as I learned last year on stumbling across a similar scene in Baghdad, depends largely on his destination. The idea of prisoners begging to get *into* Abu Ghraib may seem like a stretch, but, more than anything else, they fear being turned over to the Iraqi security forces. They know the Americans probably won't kill them, and that, in all likelihood, they will be released in a few days.

As for the Americans themselves, the soldiers value their roles here just as much as the local population does. Back at regimental headquarters, framed pictures of the fallen line the wall—3rd ACR has lost 42 men during its yearlong tour, and many more have been terribly wounded, including the regiment's command sergeant major. And, yet, contrary to the faux moral posturing of those who claim to speak for the troops back home, when the troops do speak, what they say is invariably some variation of "leave us alone to do our job." The soldiers' confidence in their mission derives in part from a sense of ownership that the Army has about Iraq. While Colin Powell's reported warning on the eve of the invasion—"If you break it, you own it"—applies even as the war grinds toward the end of its third year, for the Army at least, it is equally true that, when you break it, it owns *you*. Having bled so much here, the officer corps cannot en-

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tertain the possibility that they did so in vain. Its members truly believe that victory, even at this late date, may be within reach.

In Tall Afar, it genuinely is. To be sure, 3rd ACR, which a Pentagon review of dozens of units in Iraq rated as the most adept at counterinsurgency, hardly counts as a typical unit. There are, to begin with, the officers gathered around the commander, among them a Harvard graduate student wounded here and a Middle East historian who can recite every detail about British operations around Tall Afar in the 1920s. There is the Iraqi-American interpreter who has established himself as a power broker among Nineveh's clans. There is the regiment's self-contained aviation squadron, its gunships baring snarling shark's teeth and its scout choppers having shut down infiltration across the Syrian border. Then there are the soldiers themselves, who benefited from unusual training (devoted largely to counterinsurgency as well as to Iraq's customs and language) and whose professionalism in dealing with Iraqis arguably has yielded more diplomatic triumphs than the combined exertions of every Foreign Service officer in Iraq.

There is, finally, the commander himself. With his raspy voice and shaved head, Colonel H.R. McMaster bears a closer likeness to the brusque officers that Robert Duvall brought to life in *Apocalypse Now* and *The Great Santini* than to the tweedy scholar on the book jacket that made him famous. McMaster's Ph.D. dissertation, which scolded the joint chiefs of staff for not protesting more forcefully Lyndon Johnson's march to war in Vietnam, appeared in 1997 as a book—*Dereliction of Duty*—that became required reading at the Pentagon. A parade of retired generals has wielded *Dereliction of Duty* as a club against today's military leaders, charging them with the same sins that the book accuses their Vietnam-era predecessors of committing. But, if McMaster sees parallels to the civil-military relations of the Vietnam era, he's not saying. When it comes to the operational realm, however, he freely concedes to drawing from the Army's experience in Vietnam. "The important thing that emerges from Vietnam is that the political, economic, and military have to go together," he says. "You have to isolate insurgents from external support. You have to develop security forces. You have to provide security for the population." Which is exactly what he did in Tall Afar, having enshrined the principles of counterinsurgency in his unit's tactics well before the term returned to favor in Washington last year. The press, in turn, has anointed McMaster a latter-day John Paul Vann, and an army of journalists has descended on this remote corner of western Iraq. (A sergeant complains that his soldiers still distract themselves with tantalizing images of Lara Logan, the swimsuit model–cum–"60 Minutes" correspondent, who dropped in from the sky recently.)

In an Army that has spent three years launching big-unit sweeps, relying heavily on firepower and otherwise heeding ground commander Lieutenant General Thomas Metz's admonition not to "put much energy into trying the old saying 'win hearts and minds,'" 3rd ACR has done exactly the reverse. Yet, rather than duplicate the Tall Afar operation in towns and cities across Iraq, the White House's "National Strategy for Victory in Iraq" declares, "Our forces will increasingly move out of the cities ... and conduct fewer patrols and convoy missions." The administration intends to draw down troop levels to 100,000 by the end of the year, with the pullback already well underway as U.S. forces surrender large swaths of the countryside and hunker down in their bases. The plan infuriates many officers, who can only say privately what noncommissioned officers say openly. "In order to fix the situation here," Sabre Squadron's Sergeant José Chavez says, "we need at least 180,000 troops." Iraq, however, will soon have about half that. An effective counterinsurgency strategy may require time and patience. But the war's architects have run out of both.

Al Yawar, the most powerful Sunni sheik in 3rd ACR's area of operations, cannot grasp this essential truth. So he has invited Colonel Joel Armstrong, the regiment's one-man State Department, to lunch. En route, Armstrong's helicopter and another Black Hawk flying escort wind along creek beds, hugging the desert floor. Eventually, the bleached landscape below yields a surprise: a miniature Versailles. A few hundred yards from the sheik's compound, the choppers set down next to a horse corral. An army of security guards—tribesmen with New York Yankees caps—usher the colonel and his fellow officers inside, where the combination of marble floors, ornate chandeliers, gilded wall trim, and a roaring fireplace casts them all in an orange glow. As for the sheik, despite the robe, headdress, and gold sash tied across his waist, he bears an uncanny resemblance to John Gotti.

He wields a similar power, having, as the colonel points out, "convinced his people not to fight us and be peaceful." The sheik presents Armstrong with a list of detainees he wants released and asks about a paving project the Americans have promised. The local mayor, it seems, has embezzled the funds, and Al Yawar would like the Americans to supervise the project more closely. More than that, he would like assurances the Americans will stay. "The government is not listening to the Sunnis," he explains. The Iraqi army, in particular, incenses him. "They hit and kick people. They are not from this region." By contrast, "The Americans—they are in the middle. They are on neither side. This is why we trust them. But, if the Americans leave, who will I talk to?"

Back at the base after lunch, Armstrong mulls over the meeting. Along with the rest of the regiment, he will head home soon. During his year here, he developed a close relationship with the sheik, and he will clearly miss his Iraqi counterpart. Armstrong shares some of the sheik's concerns, and he shares what could well be the epitaph for the U.S. enterprise in Iraq. "We're only an honest broker," he says, "so long as we're here." ■

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BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

Sorts of Truth

MANY OF US HAVE RESERvations about the Holocaust as a subject for enacted films. Claude Lanzmann, who made the monumental documentary *Shoah*, said, "Fiction [about the Holocaust] is a transgression. I deeply believe that there are some things that cannot and should not be represented." Still, even if we too think that we believe this, when a Holocaust film is manifestly serious—one can almost say consecrated—it is hard to resist. Resistance can even be a kind of sloth.

FATELESS
(THINKfilm)

CONVERSATIONS WITH THE GREAT MOVIEMAKERS OF HOLLYWOOD'S GOLDEN AGE AT THE AMERICAN FILM INSTITUTE
(Knopf)

Reservations thus fall away. **FATELESS**, an enacted film, is a pressing instance. It contains little that will be new to any informed viewer; yet it fascinates for all of its 140 minutes. Partly this is because the screenplay is by Imre Kertész, adapted by this Hungarian author from his novel of the same name. (Kertész, not quite incidentally, is a Nobel laureate.) The book is based on his own experiences beginning in German-occupied Budapest. In 1944, when he was fourteen, Kertész, who is Jewish, was deported to Auschwitz and was subsequently moved from the death camp to labor camps. He was liberated in 1945 and returned to Budapest. This outline of his own story is also an outline of the film. So we have here a work grounded in fact that has gone through two transformative artistic phases, fiction and film. It is at least an exception to, if not a rebuttal of, Lanzmann's statement.

We rely on the makers of this film—or any film on this subject—to use art as service, not exploitation; and throughout any such picture, we can be nervous about sentimentality, facileness. *Fateless* never falters. Every moment in it is treated as a unit of trust: the subject seems to be depending on the gravity, let alone the talent, of those who are exploring it.

Lajos Koltai, well known as a cinematographer (*Mephisto*, *Colonel Redl*), here makes his directing debut. He is marvelously concerned with faces. Throughout the film, long shots and panoramas, particularly of the prisoners en masse, recur as reminders of context; but principally Koltai wants his film to have its being in the faces of the boy and of all those he encounters. Every face becomes at least a minute biography. And Koltai gives the film an overall album effect by closing almost every scene with a quick fade instead of a sharp cut.

Inevitably enough, he has chosen an excellent cinematographer, Gyula Pados, and together they have provided *Fateless* with a visual texture in limbo. The palette is muted, so that the film seems, most of the time, to hover between color and black-and-white. Color in the camp scenes would have been upsetting; colors in the beginning or the end would have made it a movie. Throughout, the very palette conveys an aura of captivity.

Exceptional as these factors are, the film depended firstly and finally on the boy who plays the fourteen-year-old Gyuri. Marcell Nagy may or may not have a future as an actor, and may not even want one, but whatever happens to him later, he is fixed here in a being, a completeness, that will last. With the help of Koltai, to be sure, this boy creates from within. He never obeys the director, he never acts, he never wants to overwhelm us. When he needs to look into the camera, he tells us that the camera is not there: he is moving through an enclosing reality. It is extraordinary to be so convinced by a juvenile actor without any sense of an exceptional performance. Nagy is given a good deal of voice-over narration as connective tissue, and it too sounds true with an almost casual truth.

The extensive cast is flawless. As with Nagy, most of them seem committed, rather than cast. One curiosity: the next James Bond, Daniel Craig, who was visible in *Munich*, appears near the end as an American sergeant, Jewish, who wants to help the boy. Gyuri's refusal to be helped, his insistence on returning to Hungary, is part of his state of mind when he returns to Budapest, a state that will not completely surprise those familiar with Primo Levi.

Fateless had its American premiere at the Film Forum in New York and is now being shown in various cities around the country. Among its virtues, it is an assurance to those of us who may fear that the Holocaust is becoming a film genre. A film as truthful, in every sense, as *Fateless* bursts through genre bounds to become itself.

It is virtually impossible to review some books: one can only—if they are worth it—describe them. Here is one such. **CONVERSATIONS WITH THE GREAT MOVIEMAKERS OF HOLLYWOOD'S GOLDEN AGE AT THE AMERICAN FILM INSTITUTE** is the less-than-lithe title of a collection of informal interviews with twenty-five directors, two screenwriters, one producer, and four cinematographers, all held at the AFI in Beverly Hills. The editor was George Stevens Jr., who was the founding director of the institute in 1967. President Lyndon Johnson had said, "We will create an American Film Institute to bring together leading artists of the film industry, outstanding educators, and young men and women who wish to pursue the twentieth century's art form as their life's work," and the government supplied one-quarter of the original funding, with the rest coming from matching grants. The institute has been busy ever since, launching some notable careers.

In each case the conversations in this book were between a professional and a group of the institute's fellows. The first was with Harold Lloyd in 1969; the last was with Satyajit Ray in 1978. (George

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Stevens Sr. was quite rightly one of the visitors.) Neither Ray nor a few others in the collection—Fellini, Renoir, Bergman—contributed perceptibly to the Golden Age of the title, but they did converse at the Institute so are—happily—included.

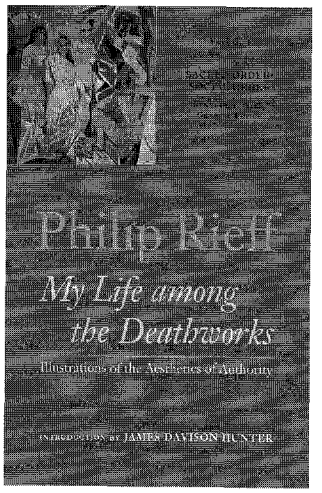
As might be expected of such conversations, some of the book is dross, but most of the talk is gratifying—with professional wisdom, character insight, and gossip. I limit myself to three quotations. Raoul Walsh, asked about the early Hollywood days: "In those days we used to work until three or four in the morning. When I'd get home at daybreak there'd be a new script on my lawn, next to the *Los Angeles Times*. We went back and started work at nine o'clock." David Lean, asked what he looked for in a story: "I wish I could tell you that. You know, I once ended up in one of London's biggest bookstores and found myself next to Carol Reed. We were staring at the shelves and he said, 'The bugger of it is that within five yards of us there's a wonderful subject for a film.'" Billy Wilder, asked what he thought when he saw the first cut of his masterpiece, *Some Like It Hot*: "Any first cut of the picture makes you feel suicidal." There is more, lots of it. ■

DAVID HAJDU ON MUSIC
Instant Gratification

A SHAMELESSLY GOOFY BAND of street musicians performs in and around the subway station at Union Square in Manhattan—a banjoist, a washtub bassist, a percussionist who plays cookware, and someone doing something else, as I recall. Not long ago, I took the group's business card, which says "No Music, No Party," and then gives a phone number. I wondered if the phrase was the name of the ensemble or a terse statement of philosophy. If it is the latter, the fellows have a point that is borne out through cultural history. A great deal of human social interaction has always been conducted to music, notwithstanding Adorno's protests that social function stains the "purity" of music. A wealth of treasured and enduring music, formal and informal (as well as duly forgotten background noise), was originally created for get-togethers of all sorts, from Mozart's divertimenti and serenades to Louis Armstrong's New Orleans stomps to Bill Monroe's barn-dance bluegrass to Sly Stone's dense polyphony au go-go. No party, no music.

Every kind of socializing calls for its own music, and most of the action in social interaction transpires among young people, enslaved by their hormones to the service of meeting and attracting one another, thus perpetuating not only the species but also its popular music. At the moment, the explosive young website MySpace is enacting a transformation in the social behavior of teenagers and people of college age (in addition to some younger and older). In the process, the site has already had a stunning effect on the music of youth culture. MySpace is rapidly establishing a new system for hanging out and hooking up—a kind of new paradigm for young life; and, like all the old paradigms, it carries with it hazards, only one of which is its impact on music.

Founded in 2003 by Tom Anderson, who was twenty-seven at the time and who handles the creative end, and Chris DeWolfe, then thirty-seven and the money man, MySpace is a hybrid site, part networking forum, part music resource. The idea, a primordial one transported to cyberspace, was to use music to bring young people together. Anderson, who was playing guitar in an alternative-rock band called Swank when he began developing MySpace, thought it would be way cool to have a place on the Web where ambitious, unknown musicians such as himself could try to attract a following by posting their portraits, bios, information on upcoming gigs, and sample music files. But unlike several dozen sites that already did all that, MySpace encouraged users to interact with participating musicians, as well as with one another—to chat through text messages and to exchange digital pictures, building a com-



Sacred Order/Social Order

Volume 1

My Life among the Deathworks

Illustrations of the Aesthetics of Authority

Philip Rieff

Kenneth S. Piver, General Editor
Introduction by James Davison Hunter

"*Sacred Order/Social Order: My Life among the Deathworks* is stunning in its originality, breathtaking in its erudition and intellectual range, and astonishing in the brilliance of its insights into our historical moment. It penetrates settled conceptual conventions to open up new ways of thinking about culture, religion, morality, character, identity, social movements, and a pantheon of intellectuals, novelists, poets, and artists. In the discipline of social theory, there is nothing quite like this."—**from the introduction by James Davison Hunter**

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munity of people connected by an interest in new music.

Anderson had the wisdom to enlist some acquaintances, gorgeous female club kids, to be among the first MySpace users to post their photographs, imparting upon the site a patina of phototropic cool. He created what is essentially the biggest nightclub in the world (or more accurately, the incorporeal world), open all day and night. It is open to virtually anyone and to anyone virtual. The only velvet ropes, thin and malleable, are MySpace's token restrictions: the site is prohibited to those under fourteen, though MySpace requires no proof of age. (It has a bouncer at the door but does not card.) MySpace also forbids the use of "personally identifiable information," though it permits messages that might contain hints of a member's identity, such as the person's name, hometown, and birthday.

As I type this, MySpace has some 55,667,000 members, and the number is no doubt higher by this point in the sentence. More than a million bands and solo musicians now have profiles on the site. On a typical day, MySpace receives two and a half times the traffic of Google. The popularity of Anderson and DeWolfe's venture among young people is such that last summer Rupert Murdoch appropriated it, buying a controlling interest in MySpace's parent company and access to another generation for $580 million.

Open, loosely policed, and populated almost exclusively by young people presenting themselves as attractively as possible, MySpace offers abundant temptation to voyeurs and sexual predators. The site provides free and easy access to a vast and constantly replenished supply of teenage girls and boys, many of whom have posted images of themselves in various stages of undress, along with messages describing their tastes in sex as well as in music. Since anyone can pose as someone else on MySpace, it is impossible to measure the lurking. Fifteen-year-old Kimberly, the girl on a farm in Wisconsin, could really be fifty-two-year-old Buck, the parolee in a trailer in New Jersey, hiding behind a scan from a high school yearbook and a few convincing phrases of teenage jabber. At least two cases of sexual assault of underage girls have been traced to initial meetings on MySpace, according to newspaper reports.

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As a social environment, MySpace is a sexual minefield. And this troubling fact is not mitigated by the fact that, as a musical resource, the site presents a set of problems of another sort. Much has been made of the Internet's effect on the music business. Everyone knows that, thanks to file-sharing and paid downloading services such as iTunes, CD sales have been declining for several years. Apple (Steve Jobs's computer company, not the Beatles' record label, the latter of which now profits nicely from its trademark license to the former) has become one of the top three suppliers of music in the country. Yet MySpace represents something other than a new delivery system or a different economic model for the music industry. It is altering the dynamics of the relationship between the two groups of young people involved in popular music: the musicians and their audience. And so, in due course, it is changing the music itself.

MySpace, in its essence, seems like the realization of a democratic, almost utopian ideal. It eliminates or marginalizes the traditional bodies of mediation between those who make popular music and those who listen to it. A band does not need radio play, nor a video in rotation on MTV, to find an audience through MySpace. It does not need a record contract. It does not have to play a single gig. It needs only a Web page with a few song samples—though good photos and bio text, along with a willingness to chat with fans online, can help considerably. The way MySpace works is that members log on and message back and forth, exchanging thoughts on topics of the moment, including music. If they want to know more about a particular band, they click to the group's page and listen to (or download) a song; and if they like what they hear, they can spread the word among MySpace members on their list of "friends." Some MySpace users have as many as six thousand friends. As Greg McIntosh, the guitarist for a Michigan-based band called the Great Lakes Myth Society, said in an interview, "It's like being at a giant music conference twenty-four hours a day every day."

Emerging as it has in the wake of Clear Channel's domination of radio stations and rock concert halls, MySpace appears to be a grassroots counterbalance to the wholesale absorption of the music industry by a handful of entertainment-industry conglomerates. At the same time, it is yet another monolith—born of the people, yes, but owned by Fox.

MySpace has begun to spawn a breed of its own rock stars, bands that have made their reputations mainly through the site: Fall Out Boy, a punk-pop quartet that was recently nominated for a Grammy for Best New Artist; Hawthorne Heights, another punk-pop group; Panic! at the Disco, a kitschy techno ensemble; and Arctic Monkeys, a quartet of nineteen- and twenty-year-olds from Sheffield, England, who were already famous, largely through MySpace, before they signed with Domino Records last May. When the group released its first CD, *Whatever People Say I Am, That's What I'm Not*, this January, the album entered the British pop charts at number one, and the single "I Bet You Look Good on the Dancefloor," was the fastest-selling record in English history. Arctic Monkeys, whose music is tuneful punkish pop, will perform in the United States for the first time this spring.

Through MySpace, some bands have built ardent followings so quickly that audiences know the words to their songs before the musicians know how to play them. Fall Out Boy headlined the Warped Tour of punk acts last summer, and I caught one of the shows in Milwaukee, during a vacation with my son, who is a senior at the University of Wisconsin. Fairly impressed by the group's second CD, *From Under the Cork Tree* (an album with some good juvenile thrashing), I was looking forward to seeing the band and was surprised to find it utterly inept on stage—and I mean really inept, not inept in accordance with the anarchic conventions of punk. The singers (guitarist Joseph Trohman and bassist Peter Wentz) never used the microphone, and the band stopped and started in the middle of tunes, struggling nervously to find its place. (Not caring

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would have been punk. Struggling nervously was incompetent.) I heard most of the words, though, because the audience chanted the lyrics.

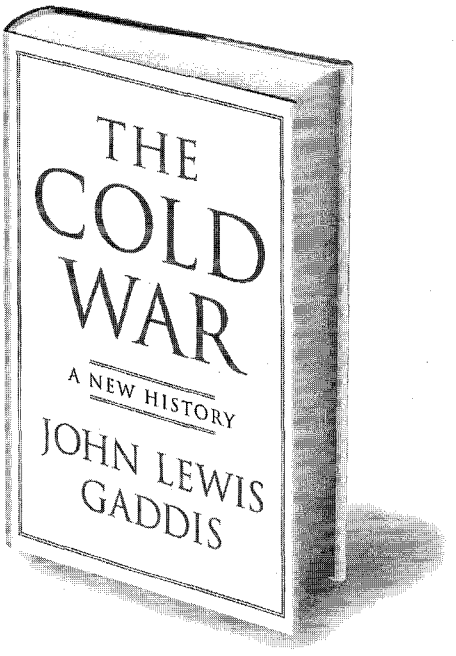
One band wildly popular on MySpace, Hollywood Undead, never played in public before becoming a sensation online. The group formed early last summer and posted a MySpace page adorned with mysterious-looking photos of the seven members of the band, their faces hidden behind hockey masks and gimmicky shrouds, along with three songs, each a listenable amalgam of hip-hop and heavy metal. As one of Undead's singers, Jeff Phillips, told *The New York Times*, "We were just a bunch of loser kids who sat around our friend's house all day, and we started making music and recording it on computer.... In a matter of weeks it got huge, and it kept on getting bigger and bigger.... If you look at our page, it's like we're a huge band that's toured a hundred times." So far, Hollywood Undead has had more than two million plays on MySpace, and it still has yet to tour.

THE INSTANT FAME CONFERRED by MySpace is becoming the standard practice of our time, of a piece with *American Idol* and its variants on television, which pit amateurs against one another in competition for celebrity as spectacle, granting us viewers the dual pleasure of glorying in the ascension of one of our own and wallowing in the humiliation of those to whom we relate more closely, the losers. MySpace fills most of the space on its music pages with the work of awful bands, hundreds of thousands of them, and trolling among them provides a kind of perverse entertainment. The music is searchable by five criteria: band name, band bio, band members, influences, and "sounds like." After an hour or so of using the search mode to find something worth the effort, I got punchy and, after the words "sounds like," typed "shit." Pages for more than three hundred bands popped up, and the first five, I can attest, were well categorized.

So much of the music on MySpace is so grossly underdeveloped that listening to it is almost an act of aesthetic pedophilia. Thanks to MySpace, young bands no longer need to start out by gigging, playing one-nighters, making mistakes in near anonymity, learning what works, finding their voice through a dialogue with their audience—I mean a musical dialogue, not a chat. Good bands have no need, and no time, to get better before they get famous. Surfing MySpace, I listened to a few of more than two hundred groups that listed themselves as sounding like the Beatles, and I began to consider what the mop-tops themselves sounded like in their apprenticeship, when they were working out their style by labor and trial, playing six sets a night for dancers in Hamburg. Then I remembered having heard Bruce Springsteen when I was a kid and he was just starting out: he sounded like a garage-ish cross between Van Morrison and Bob Dylan, but not yet like Bruce Springsteen.

The boggling scale and speed of MySpace conspire to inhibit originality, while rewarding familiarity and accessibility. The site attracts innumerable groups that sound like other acts successful on MySpace, and it engenders mediocre music that makes a quick, positive impression. Lost in the blitz of clicking on MySpace is challenging music that might be off-putting at first but could grow on listeners, stretching their ears

"Brilliant...trenchant, lucid."*



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and provoking their minds. All the bands to rise from MySpace so far, including the talented but madly over-praised Arctic Monkeys, are good, but there is not a great one among them. One cannot help but wonder if MySpace is screening out the great ones, or failing those with the capacity for greatness.

As a measure of musical tastes, MySpace is skewed by its social character. MySpace members generally discover bands through recommendations by other members. But like all information disclosed among parties inclined to impress one another, the data is loaded, likely to reflect social expectations as much as, perhaps more than, musical passions. For instance: the son of mine with whom I saw Fall Out Boy loves not only punk rock but also the music of Ella Fitzgerald and Stephen Sondheim, yet he says that he would never admit as much on MySpace. If many of the site's members are to a significant degree mouthing what they hope will make them seem cool, they are saying only what they are hearing (or typing only what they are reading). Once again, the famously raucous individualism of the Internet results in crass conformism. The spiral effect, accelerating to tornado intensity, surely accounts for the almost instantaneous emergence on MySpace of bands such as Hollywood Undead, which are simply nothing special.

So MySpace is finally not quite as democratic as it seems, and its ostensibly democratic systems are as susceptible to corruption as any in non-cyber societies. MySpace has not eliminated mediation from the music business, it has merely supplanted the old modes with new ones. There are powerful instruments of influence in this allegedly free terrain. Webmasters have the power, once consigned to concert promoters, to lure crowds to a band. (On the day of this writing, the most listened-to artist on MySpace was the sexy electro-pop vocalist Tila Tequila, and the lead photograph on her page showed her sitting on the ground, her lips pressed to the end of the picture frame, kissing something that we cannot see but which would fall at the height of a standing man's crotch.) A whole new industry of "viral marketing" employs surreptitious e-mail techniques to spread messages about paying clients to music enthusiasts online. And acts such as Hollywood Undead, a phony band hidden behind funny masks and elaborate concealments, have mastered one of the most effective ways to prevail on MySpace: pretending to be what others would like you to be. The sexual predators have figured that out, too. ■

Robert Alter

The Trials

KAFKA: THE DECISIVE YEARS
By Reiner Stach
Translated by Shelley Frisch
(Harcourt, 581 pp., $35)

THERE IS A TANTALIZING gap between our increasingly detailed knowledge of Kafka's life and our imperfect understanding of his achievement as a writer. His work seems to cry out for biographical readings and has often been subjected to them, characteristically along psychoanalytic lines. Yet the obvious connections between life and work have not explained much about the work. Kafka's tormented relationship with his father, for example, disturbingly etched in that strangest of autobiographical documents, "The Letter to His Father," would seem to be directly reflected in his story "The Judgment"; but the hypnotic power of the story, a breakthrough for Kafka in 1912, resists reduction to the writer's all-too-evident sense of guilt and inadequacy.

Kafka abundantly documented his own life in his diaries and in his voluminous correspondence, and many of those who knew him have left testimonies of various sorts. As a result, a great deal is known in purely factual terms about the circumstances of his life, from early adulthood until his death of tuberculosis in 1924 at the age of forty-one—his work as a mid-level legal bureaucrat in the Prague office of the Hapsburg state insurance company; his circle of literary friends; his flirtation with Zionism and with the culture of East European Jewry; his on-again, off-again engagement to Felice Bauer; his maniacal pursuit of health at sanatoria and through vegetarian diets, exercise regimens, occasional nudism, and much else; his asceticism; his nocturnal schedule as a writer. And yet no satisfying general biography of Kafka has appeared, until now.

In German there are some excellent studies of particular episodes or aspects of his life, as there are, to a lesser degree, in French. The early biography by his friend and literary executor Max Brod, which appeared in 1937, mainly illustrates how little Brod fathomed the man he thought of as his intimate. (Walter Benjamin famously remarked that of all the enigmas of Kafka's life, his friendship with Brod was one of the greatest.) The two biographies written in English leave much to be desired, for different reasons: Frederick Karl's *Franz Kafka: Representative Man* evinces, beginning with the title, the lackluster quality of the sundry literary biographies that he churned out year after year, and Ernst Pawel's *The Nightmare of Reason* is vitiated by unwarranted inferences and is guilty of the ultimate vulgarity of making Kafka a prophet of the Holocaust. (This is a distortion that the incorrigible George Steiner continues to peddle.)

AGAINST THIS SPOTTY BACKground, the new volume by Reiner Stach, which appeared in Germany a few years ago and is felicitously translated by Shelley Frisch, can be welcomed as a scrupulous, discriminating, and highly instructive account of Kafka's life. Stach, who was involved in the new and painstakingly established German edition of Kafka's works that appeared during the 1990s, and who has previously published criticism about Kafka's work, is a biographer unwilling to take a step unless he can document it with authentic primary sources. This commitment leads him to begin his story not with the subject's childhood but in 1910, and to concentrate especially on the next five years, for which abundant documentation is available, particularly in Kafka's letters to Felice Bauer. (He will deal with the remaining nine years of Kafka's life in two more projected volumes.) This proce-

Robert Alter's most recent book is IMAGINED CITIES *(Yale University Press).*

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dure creates the effect of a narrative of the life in slow motion. Were Stach to have treated the entire life from early childhood to the end at this pace, the resultant biography would have exceeded three thousand pages. But his intelligence, his perceptive understanding of the fiction, and the sheer mass of information that he commands (not only about Kafka but also about the social history of Kafka's time and place) make this a book that rewards patient reading.

Intellectual modesty is a virtue less common among biographers than it should be, but Stach exhibits it in a variety of admirable ways. "Anyone who tackles [Kafka]," he says at the outset, "has to anticipate failing." A couple of pages later, he lays out in an aphorism the challenge that he faces: "The biographer's task is to explain how a consciousness that is set thinking by everything could evolve into a consciousness that set everyone thinking." As he proceeds, Stach is constantly aware that the mass of "indicators of the genesis of texts" does not necessarily deliver to us their meaning and may not even help us to read them: "Circumstantial evidence, particularly when a significant amount is gathered, carries with it a promise of comprehension and clarification that it cannot possibly fulfill." But the circumstantial evidence may nonetheless lead us to ponder the enigma of Kafka's genius in a new way, even if the mystery will stubbornly persist.

The years from 1910 to 1915 are properly called "decisive," for it was in this period that Kafka discovered himself as a writer. In the fall of 1912 he wrote "The Judgment" on a long feverish Yom Kippur night. In late September of the same year he began to make rapid progress on his first novel, *The Man Who Disappeared*. (This is the book that Max Brod would decide to call *Amerika*.) Like his two other novels, it was to remain unfinished. In November 1912, he wrote "The Metamorphosis." In the summer of 1914, just as Europe was convulsed by war, he launched work on *The Trial*, and late in that year he produced "In the Penal Colony," which is, along with "The Judgment" and "The Metamorphosis," among his most disturbing stories.

The bizarre synchronization of the Great War and this surge of creativity in Kafka had a negative side, like most of the expressions of self-affirmation in his life. As Stach observes, "He would be trapped in Prague, not just emotionally but in every way"—unable to implement his plan of leaving his parents' home, impeded from crossing the border to visit Felice in Berlin and even from making phone calls to her, and cut off from the journals where he might have published because they were either silenced or caught up in the general war fever.

COURTESY HARCOURT

Drawing by Franz Kafka

The focus on the period from 1910 to 1915, with a particularly detailed treatment of the span from 1912 to 1914, has the effect of vividly highlighting Kafka's well-known neuroses, chiefly because this was the period of his anguished, self-defeating courtship of Felice. That relationship was the most peculiar extended episode in Kafka's peculiar life, and Stach's account helps make sense of it. "Kafka yearned for lasting intimacy," he comments, "but this intimacy seemed possible only with a woman who was equally removed from the two neurotic archetypal images of the feminine—mother and whore." In fact, Felice does not appear to have held any sexual attraction for Kafka, and the equine features that she exhibits in her photographs suggest that she was no beauty. The lack of sexual appeal in this woman who was practical, business-like, independent, and a Zionist to boot may have actually drawn Kafka to her, for at least initially he had no compelling reasons to think about carnal consummation, which was something that clearly worried him.

In the event, when they became engaged, Kafka would have to face the prospect of conjugality, and in Stach's persuasive account, his fear of being sexually inadequate was a principal motive in his repeated centrifugal movements from his fiancée in Berlin. When the two met in a hotel in a town on the German-Austrian border at the end of 1914, Felice was evidently ready for sex, or she would not have permitted herself to go to a man's hotel room, but Franz was not. What he did instead, astonishingly, was to read out loud to her, from the manuscript of *The Trial*, the episode "Before the Law." Stach tartly observes: "Was he not also standing before an open gate? And not entering. Instead he read her a story about entrances, doorkeepers, and waiting in vain."

Kafka's letters to Felice are surely among the strangest letters a suitor ever sent to his beloved. Since they had spent only one evening together when they first met during a visit she made to Prague in 1912, the subsequent emotional relationship between them was essentially generated through their correspondence. For many months the written exchanges were daily, and through the safe distance of a purely epistolary intimacy, Kafka could experience a consuming sense of devotion to her. But his ambivalences were altogether violent, and his brief frenetic visits to Berlin were a compound of sad farce and frustration. Many of his letters are filled with expressions of self-abasement that might seem designed to drive a woman to the other end of the world: "Often—and in my innermost self possibly all the time—I doubt that I am a human being." "Haven't I been squirming in front of you like something poisonous for months." And even a frank confession of anxiety about impotence: "My real fear ... is that I will never be able to possess

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you. That at best I would be confined to kissing your absentmindedly extended hand, like an unthinkingly loyal dog." We may wonder what led Felice to stick to this relationship. One suspects that she was drawn to the idea of Kafka as a genius—a dangerously seductive idea for some women. Perhaps the sheer momentum of the bond woven through Kafka's epistolary initiative imposed a sense of obligation on her. And perhaps he was, after all, the one prospect that had presented itself, with no others in view.

The multifarious manifestations of Kafka's neuroses beyond the sphere of betrothal and sexuality are familiar to anyone who has read his diaries and letters, though it must be said that Stach provides an unsettlingly vivid and detailed account of them. These include his dedication to a system of "Fletcherizing" his food (chewing each mouthful more than fifty times), which must have made him a charming table companion; his practice of exercising nude before an open window, even in coldest winter; his inability to stand up to his overbearing father; his obsessive self-doubting; his renunciation of food to the verge of fasting (which he would memorably transpose into "The Hunger Artist"). Stach persuasively suggests that Kafka was fixated on an ideal of "purity," which for him meant an ascetic withdrawal into the realm of art from both the pleasures and the messy complications of ordinary life.

In one of his letters to Felice, he spun out a fantasy of inhabiting "the innermost room of a locked cellar," entirely isolated, with nothing by him but his writing implements and a lamp, his food silently brought to him by invisible attendants. This prospect as he describes it is not bleak but rather exhilarating, an opportunity to give himself over with no possibility of interruption to the vocation of his art. The ideal of existential purity, Stach contends, uncannily issued in the remarkable purity of Kafka's prose: "the pure, clean language that Kafka strove for did not come across as sterile and bloodless, but unleashed tremendous aesthetic energy, thereby proving that the symbiosis of literature and asceticism could be made productive for the world—breathtakingly so."

IN THIS WHOLE NOTION OF THE renunciation of life for the sake of art, Kafka hews close to Flaubert, who was one of four leading writers in his private literary pantheon. (The others were Kleist, Grillparzer, and Dostoevsky.) Flaubert, like Kafka, had intended to study law, but an attack of epilepsy (his equivalent of Kafka's imagined and then real disease) after he had begun his course of study in Paris led him to retreat to his mother's house in the little Norman town of Croisset. There, despite occasional forays to the capital city, he became a hermit of literature. (S. Y. Agnon, in a droll adaptation of a rabbinic idiom, wrote to Salman Schocken in 1915 that Flaubert "used to slay himself in the tent of poetry.") Ensconced in rural isolation, a setting akin to Kafka's fantasy of a sealed basement chamber, Flaubert almost single-handedly invented a new model of prose writing, aiming at a polished style produced through painstaking labors of revision that would have the formal perfection, the lexical precision, and the rhythmic magic of the most gem-like poetry.

Although Flaubert's verbal palette was much richer than that of Kafka, whose language was tautly understated and astringent, the French novelist's ideal of prose was essentially the one that Kafka embraced. His style, as Stach notes, "is like polished marble ... it makes both things and people emerge in exaggeratedly sharp contours, as though seen under neon light." In more technical terms, Kafka also made strategic use of *le style indirect libre*, the narrative technique that Flaubert brought to a state of perfection. Kafka's famous declaration, "I am made of literature," is a motto that Flaubert could have easily adopted for himself.

One should be careful not to think of either Flaubert or Kafka as an exemplary figure. The nexus between art and neurosis, though common enough, is by no means inevitable, nor is art—even "high" art—necessarily achieved through the renunciation of life. Nabokov, who was a great admirer of Flaubert and held at least some of Kafka's fiction in high esteem, pursued a Flaubertian ideal of finely wrought fictional artifice without feeling any need to give up the pleasures of married life, the delights of devotion to science and natural observation, an exuberant sense of playfulness in social intercourse, and the sustaining recollection of what appears to have been a genuinely happy childhood.

In Kafka's case, the neuroses were both a profound resource and a crippling impediment. On the negative side, they led to the condition of incompletion that was the fate of all his larger writing projects. He committed thousands of manuscript pages to the fire, and at the end of his life he famously asked Max Brod to do the same with what remained. All three of Kafka's novels broke off without satisfactory resolution. He finished nothing on a large scale chiefly because of his corrosive self-doubt, because he felt he could not realize the ideal of seamless artistic perfection he had inherited from Flaubert. Stach also proposes an unresolvable tension in his writing between Flaubert's realism and his own increasing commitment to fantasy, as well as between an ideal of the inspired word (one recalls the dream Kafka mentions in his diary of creating a new Kabbalah) and the perfectly crafted word.

YET THE GREAT PARADOX OF Kafka's career is that he also managed to transmute his own extravagant neuroses—in their sheer bizarreness surely anything but those of a "representative man"—into certain indelible fictions that have universal resonance, and that have been widely seen as strong paradigms for some of the underlying dilemmas of modern existence. No confident explanation for the alchemy of this transmutation is possible, but one might begin by observing the powerful concreteness and the meticulous fidelity to detail with which Kafka, even in minimalist notation, imagined narrative situations, spatial and physical circumstances, and sometimes the appearance of characters. Many of his fictions are built around a single arresting image elaborated through a compelling imaginative logic, becoming, as Stach aptly observes, "a demonstration of what an image can yield": a man turned into a bug, a hunter's boat drifting for all eternity on endless rivers, a castle half-hidden in snow and fog, an elusive court that manifests itself in a series of dirty, airless attics.

Perhaps the most mesmerizing of all these defining images in Kafka's stories and novels is the infernal machine of perfect punishment that looms at the center of "In the Penal Colony." It is all too easy to trace the links between this dark fiction and Kafka's unresolved feelings of guilt and acute vulnerability. The officer in the penal colony who is explaining to the baffled explorer the novel system of justice practiced there announces, "My guiding principle is this: Guilt is

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never to be doubted." This appalling principle, of course, governs the world of *The Trial*, as it does "The Judgment." In all three of these texts, the central figure is implacably sentenced to execution (the officer of "In the Penal Colony" ends up essentially embracing his own sentence, not unlike Joseph K. and Georg Bendemann), and Kafka actually planned the same fate for Karl Rossmann in *The Man Who Disappeared*.

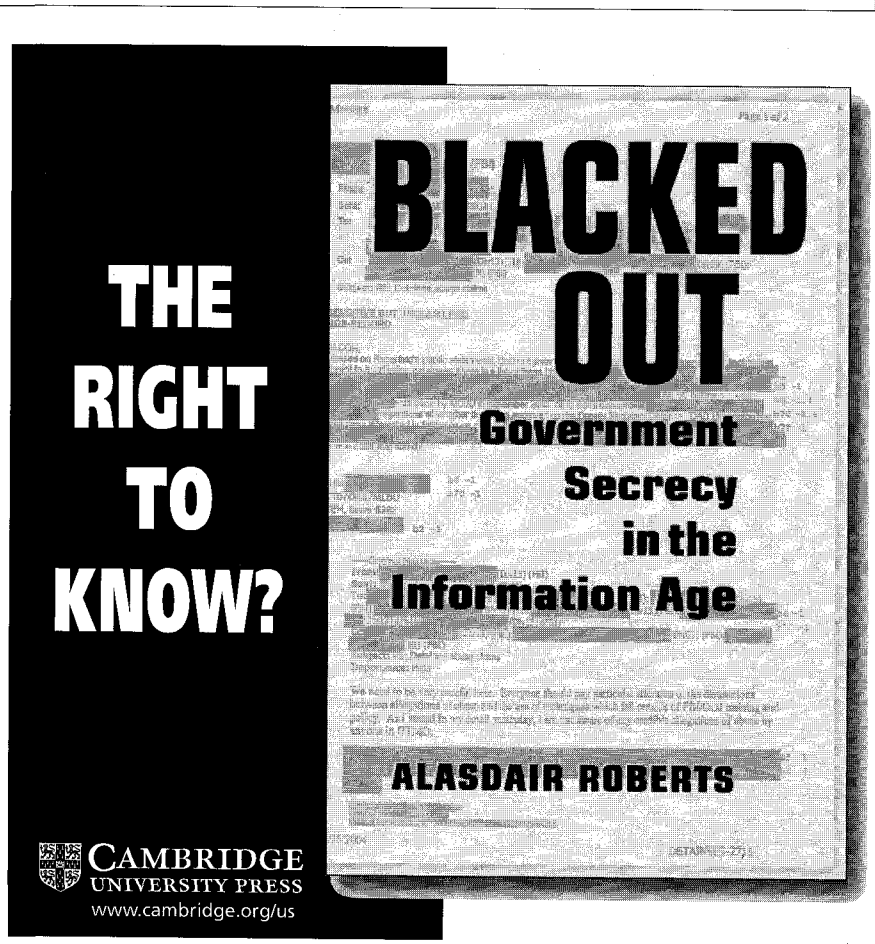
A literalist biographical critic would also be tempted to draw a direct line between the Old Commandant, now deceased, who contrived the fearsome machine that inscribes the crime of the condemned man on his body, and Hermann Kafka. It is reasonable enough to concede that no one but a person with Kafka's deep-dyed neuroses could have imagined this scary story, yet the story manages to be a good deal more than the bits and pieces of its biographical sources; and it does so, I would argue, without being either a theological allegory (the old and the new dispensation) or a "prophecy" of the state terror that would dominate Europe not many years after Kafka's death.

Before all else, a story, imagined through and through as Kafka's best fiction is, must have a local place and habitation that engage us as readers with their distinctive authority of invention. "In the Penal Colony" begins with the officer addressing the explorer, who has come to this evidently tropical island to witness an execution. It is worth observing the deftness and the vivid efficiency with which Kafka sets the scene in the first paragraph (given here in Willa and Edwin Muir's translation):

> At least, in this small sandy valley, a deep hollow surrounded on all sides by naked crags, there was no one present save the officer, the explorer, the condemned man, who was a stupid-looking, wide-mouthed creature with bewildered hair and face, and the soldier who held the heavy chain controlling the small chains locked on the prisoner's ankles, wrists, and neck, chains that were themselves attached to each other by communicating links. In any case, the condemned man looked so like a submissive dog that one might have thought he could be left to run free in the surrounding hills and would only need to be whistled for when the execution was due to begin.

One element in the wonder of Kafka's prose is his ability to deploy a rapid notation that nevertheless conveys a sense of descriptive fullness. The sandy valley surrounded by bare crags at once evokes the isolation of the penal colony with the Old Commandant's terrible machine at its heart and creates the setting for a starkly pared-down constellation of characters, "as though seen under neon light," outside of which nothing seems to exist: the officer, the explorer, the prisoner, the soldier, and the dead Commandant who continues to exert an uncanny power from his grave. The portrait of the condemned man, about whom we will learn very little beyond the fact that he has been sentenced to die, is drawn in three quick epithets, and it is uncannily memorable. His canine submissiveness—though the German says not "submissive," but only *hündisch*—is a characteristic that makes him one of the two Kafka surrogates in the story (the other is the officer, who throws himself into the mangling teeth of the machine), for Kafka in his impulses of self-loathing not infrequently likened himself to a dog, as we saw in his fantasy of being able to do no more with Felice than fawn at her hand. Still, such biographical identifications tell us very little about the power of the story as an original narrative invention or about what it might mean.

It is also worth underscoring in these opening sentences the attention devoted to the complicated system of chains that entrammels the prisoner. Kafka is especially good at imagining mechanical devices, both real and fantastic—one thinks of the writing desk with its "regulator" in Uncle Jacob's apartment in *The Man Who Disappeared*; the mesmerizing interior of Klamm's carriage in *The Castle*; and in this story, of course, the dread machine with its business end called the Harrow, of which these chains at the beginning are a kind of anticipation. Kafka lived in an era of mechanical innovation, an era of new contraptions, one might say, that was a clanking cast-iron precursor to our own age of constant innovation in electronic technology. (Felice Bauer's professional responsibilities included the promotion of a dictaphone device, and Kafka seems to have taken a certain interest in the apparatus.)



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The central image of the execution machine demonstrates Kafka's inimitable ability to play out fictional inventions that have a riveting power that quite transcends any psychobiographical sources one might propose for them. The machine of judgment, one recalls, is a kind of Rube Goldberg device with cogwheels and rods and gears, equipped with a sharp-needled Harrow that slowly inscribes on the body of the condemned man the precise nature of his transgression. In the sixth hour of exquisite suffering (vividly described in the story), the prisoner is meant to experience a grand illuminating understanding of his own crime, upon which he expires. It is, in the view of the officer, a sublime death, and it is because he is possessed by this idea that he finally leaps under the Harrow himself, replacing the condemned man.

Some interpreters of the story, ignoring many details inconvenient to their reading, have seen it as an adumbration of totalitarian terror, which is as crudely reductive as to read it as a naked expression of Kafka's feelings of guilt in relation to his father. Kafka was repeatedly drawn to the idea of the Law. (In his case, when one transposes *das Gesetz* into English, it almost demands the capital L.) His preoccupation with the Law is correlated with guilt because you need prohibitions violated or imperatives unfulfilled in order to feel guilty. Kafka was haunted by the idea that any law available to us might be merely arbitrary or downright perverse, perhaps even corrupt, just as he was fascinated by the idea in Jewish tradition of a Law absolutely authorized in all its minute details by divine will. In this story, the Old Commandant designs a machine that will be the perfect implementation of the unquestionable rightness of the Law, compelling the transgressor to experience somatically, through writing, the unswerving justice of his sentence. This idea exerts a powerful attraction for Kafka because it would confirm, however grimly, a harmonious moral order in the cosmos, answering the question of intolerable human guiltiness and suffering not through a paradoxical divine revelation, as at the end of Job, or through a divine sacrifice on behalf of sinful humankind, as in Christ on the cross, but through an overarching system of just law that exacts from every man nothing but the price of punishment he deserves.

Yet Kafka realizes that this whole idea is a painful delusion, and this realization explains the dialectical strength of the story. The Old Commandant, despite the messianic hopes of his remaining followers that he will "rise again," is only human, and the elaborate contraption that he has devised, even if one granted the mad assumption that it could achieve its purpose, is, like the mechanical devices of the early twentieth century with which Kafka was familiar (not least professionally, in his oversight of worker safety in factories), subject to breakdown. The most horrific moment of the story, after the officer has taken the place of the prisoner under the Harrow, is when the machine goes to pieces: "The Harrow was not writing, it was only jabbing, and the Bed was not turning the body over but only bringing it up quivering against the needles." The mangled officer dies not in a moment of redemptive revelation but rather like Joseph K. at the end of *The Trial*, who is stabbed by a butcher's knife—like a dog. One could scarcely find a better illustration of Stach's principle that Kafka's fiction unfolds through the exploration of the full range of consequences of one central image. The image is founded in fantasy, and yet, as in Swift, it is worked out meticulously through the logic of an inexorable realism.

As a complement to the evocation of place and personages at the beginning of the story, it is worth recalling the strong gesture at the very end. The explorer has boarded a rowboat that will take him out to his steamer. The two remaining characters from the beginning of the story, the soldier and the condemned man, rush down the steps of the quay with the intent of climbing into the boat with him: "They could have jumped into the boat, but the explorer lifted a heavy knotted rope from the floor boards, threatened them with it, and so kept them from attempting the leap." The rope ready at hand to serve as a whip is an eminently Kafkan moment, for he is especially notable in imagining gestures of violence, particularly punitive ones. We have learned very little about the explorer, who is obviously a mediator between the readers and the world of the penal colony, except for his curiosity. Now, at the end, he exhibits a surprising access of violent resolution, in a way continuing to act on behalf of us as readers by driving back the denizens of the island of horror. The nightmarish realm of the penal colony must be left behind. (This, of course, is not true of other fictional nightmares in Kafka.) Anyone connected with it, whether enforcer or victim, must be beaten back with the stout hemp of a knotted rope: the writer's commitment to an arresting concreteness of imagination prevails even in the movement of separation that marks the conclusion.

The example of "In the Penal Colony" argues for the appositeness of Stach's biographical humility. An investigation of the minute circumstances of Kafka's life, highlighting his extravagant capacity for self-flagellation and the deep reservoirs of his guilty sense of inadequacy, may help us understand how he could have conceived such a story—indeed, how no one but he could have written it. Yet the story achieves its own imaginative integrity, and its meanings are never reducible to Kafka's neurotic torments. In the medium of fiction, he

How It Was Once In Our Country

In those years I owned a blue plate,
blue from the very edges to the centre
ocean-blue, the sort of under-wave blue
a mermaid could easily dive down into and enter.

When I looked at the plate I saw the mouth
of a harbour, an afternoon without a breath
of air, the evening clear all the way to Howth
and back, the sky a paler blue further to the south.

Consider the kind of body that enters blueness,
made out of dead-end myth and mischievous
whispers of an old, borderless
existence where the body's meaning was both more
and less.

Sea-trawler, land-siren: succubus to all the dreams
land has of ocean, of its old home.
She must have witnessed deaths. Of course she did.
Some say she stayed down there to escape the screams.

EAVAN BOLAND

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was able to attain what he could not attain elsewhere: the exercise of mastery, in which the beautifully articulated formal elements of the story lock together in an absorbing narrative whole. Like the best of his fiction, it moves beyond the prison house of the author's self to achieve universal sweep, in this case probing human dreams and delusions about justice and law and pondering an idea of writing as a painful revelation that collapses into murderous chaos. ■

David J. Garrow
The Unlikely Center

SANDRA DAY O'CONNOR: HOW THE FIRST WOMAN ON THE SUPREME COURT BECAME ITS MOST INFLUENTIAL JUSTICE
By Joan Biskupic
(HarperCollins, 419 pp., $26.95)

DAVID HACKETT SOUTER: TRADITIONAL REPUBLICAN ON THE REHNQUIST COURT
By Tinsley E. Yarbrough
(Oxford University Press, 311 pp., $29.95)

KENNETH W. STARR was a gullible and slipshod investigator. No, not in his all-too-thorough probe of Bill Clinton's dalliance with a White House intern, but seventeen years earlier, when he was the Reagan administration's point man in the background vetting of a Supreme Court nominee.

During the presidential campaign in 1980, Ronald Reagan had declared that if elected, "one of the first Supreme Court vacancies in my administration will be filled by the most qualified woman I can find." A year earlier, Sandra Day O'Connor, then an Arizona Superior Court judge, had met Chief Justice Warren E. Burger, an inveterate political schmoozer, on a vacation outing. Soon thereafter, Governor Bruce Babbitt, a Democrat, promoted O'Connor to Arizona's intermediate appeals court. When the retirement of Justice Potter Stewart in June 1981 presented President Reagan with his first high court vacancy, Attorney General William French Smith already had O'Connor's name on his private short list. Starr, then Smith's top aide, later acknowledged that "there was a certain oddity to her being in the mix at all," since O'Connor was a "judicial unknown," but Reagan was intrigued by O'Connor's upbringing on an Arizona cattle ranch.

Starr flew to Phoenix to interview O'Connor, and then Smith called to invite her to Washington. On July 1, Reagan and Smith, with presidential advisers Michael Deaver and James Baker, met with O'Connor for forty-five minutes. Reagan had won the presidency as a fervent right-to-life supporter, and O'Connor was asked directly for her views. "She told Reagan she was personally against abortion," Joan Biskupic reports in her superbly thorough and perceptive biography. "She said she considered the procedure 'abhorrent.'"

When O'Connor's name was leaked to reporters as a possible nominee, anti-abortion activists objected, citing concerns about O'Connor's position as an Arizona state senator in 1970 on a bill that would have decriminalized abortion. The measure never came to a floor vote, but O'Connor had served on the committee that considered it. "There is no record of how Senator O'Connor voted, and she indicated that she has no recollection of how she voted," Starr wrote in a memo to Smith. Reagan and his advisers discounted the abortion opponents' complaints, and on July 7 the president announced O'Connor's selection. Journalists asked if he had personally confirmed O'Connor's right-to-life sentiments, and Reagan answered "yes." He was "completely satisfied."

But Starr had committed a huge error. On April 29, 1970, O'Connor had voted to repeal Arizona's anti-abortion law, and two prominent Phoenix newspapers publicly reported her vote. When asked by Biskupic to explain his oversight, "Starr said he had no reason to check local newspapers to see if her vote had been recorded. If Starr had taken such a step he would have discovered that the proposed legislation was front-page news and the subject of considerable controversy in Arizona eleven years earlier—and that O'Connor had voted for the measure to decriminalize abortion."

Instead of undertaking his own independent inquiry, Biskupic observes, "Starr had taken O'Connor's word for everything." In so doing, he had smoothed her way to a nomination that almost certainly would have been denied her had those old news clippings been discovered. But in those days Supreme Court nominees, even potentially pivotal ones, were not investigated with the rigor that journalists would deploy toward, or against, Harriet Miers and Samuel Alito twenty-four years later.

O'CONNOR'S STATUS AS THE first female nominee to the high court certainly did not protect her from harsh criticism. *The Nation* lambasted O'Connor as "barely qualified" and complained that Reagan had chosen her "almost entirely because of her sex and not on the basis of individual merit." *The Nation*'s editors further declared that "O'Connor's record is not even close to Supreme Court quality. She was not an exceptional lawyer or legal scholar, nor is she an outstanding judge." In front of the Senate Judiciary Committee, however, O'Connor acquitted herself flawlessly. Fred Barbash of *The Washington Post* described O'Connor as "the very essence of composure and self-confidence: even-voiced and even-tempered." She also reprised the denunciations of abortion that she had offered Reagan. She attested to "my own abhorrence of abortion as a remedy" and added that it "is simply offensive to me. It is something that is repugnant to me."

Biskupic observes that O'Connor's three days of testimony "revealed little," but she rightly notes that confirmation hearings, then as now, are "rituals designed to appease rather than to expose." No controversy over O'Connor's abortion record developed, and the Sen-

David J. Garrow, a senior fellow at Homerton College, Cambridge, is the author of LIBERTY AND SEXUALITY: THE RIGHT TO PRIVACY AND THE MAKING OF *ROE* V. *WADE (University of California Press).*

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ate unanimously approved her nomination by a vote of ninety-nine to zero.

THE SUPREME COURT BENCH that O'Connor joined in September 1981 was a fractious and relatively leaderless group. Chief Justice Warren Burger had lost his colleagues' respect. William J. Brennan Jr. could usually muster Thurgood Marshall and Harry A. Blackmun on behalf of liberal rulings, but securing a majority required winning over the iconoclastic John Paul Stevens and either the dour Byron R. White or the genteel Lewis F. Powell. The youngest justice, William H. Rehnquist, possessed a conservative vision but rarely prevailed in significant cases.

Biskupic offers excellent and original portrayals of the justices' relations with one another. During O'Connor's earliest years, "she collaborated with Powell, fell into an adversary role with Brennan, and was a regular target for Blackmun's cutting remarks." Powell became O'Connor's "closest colleague," and they increasingly teamed up on difficult cases. Brennan's and O'Connor's substantive legal views "differed sharply. But they were even more at odds personally," Biskupic writes, Brennan's reputation as a judicial charmer notwithstanding. O'Connor's gender influenced their relationship, just as it also affected Blackmun's behavior toward her.

Biskupic unearths a long-forgotten article from 1982 by Stephen Wermiel, a careful and insightful journalist who covered the Court for *The Wall Street Journal*. "The frequency with which Justice Blackmun has made comments, always off the record, about Justice O'Connor, surely suggests some hard feelings," Wermiel wrote. "Some Court watchers suggest that Mr. Blackmun may resent the favorable publicity and attention focused on Mrs. O'Connor's arrival last fall. But the justices scoff at suggestions of feuds." Biskupic more than confirms Wermiel's reporting, detailing how Blackmun "often mimicked O'Connor to his law clerks." In sharp contrast, O'Connor's clerks understood that she "did not abide the demeaning of other justices in casual conversation or writing, as was sometimes allowed in other chambers."

Outside the Court, O'Connor adopted "a pace of extra-curricular activities that would, over the years, become part of her national persona." No law school, college, or bar association was too obscure or too distant for O'Connor if a speaking invitation was extended. O'Connor's talks rarely offered significant substance or notable stimulation, and Biskupic does not explain what motivated her to travel hither and yon with a frequency that far outstripped any of her colleagues. O'Connor's ubiquity did not endear her to everyone: when the New York Women's Bar Association announced an award to O'Connor in 1984, sixty lawyers and law professors signed a protest letter calling it "incomprehensible and extremely disturbing" that a women's group would honor "token appointees who undermine our goals."

INSIDE THE COURT IN THE MID-1980s, O'Connor's influence increased as Powell weakened with age. Biskupic portrays Powell as a "gentlemanly peacemaker" who was "the bridge between the ideological poles" that Brennan and Rehnquist represented. When a long hospital stay kept Powell away from the Court in early 1985, "his absence exacerbated tensions that had been rising" for months. Biskupic quotes at length from a memorable letter that Rehnquist wrote to the absent Powell, recounting with remarkable frankness the foibles of their colleagues in the justices' private conference. "I sometimes wish that neither the Chief nor Bill Brennan would write out all their remarks beforehand and deliver them verbatim from the written page," Rehnquist wrote. Brennan "sounds like someone reading aloud a rather long and uninteresting recipe. Then of course Harry Blackmun can usually find two or three sinister aspects of every case which 'disturb' him, although they have nothing to do with the merits of the question. And John Stevens, today, as always, felt very strongly about every case."

Powell's decline and departure coincided with O'Connor's own blossoming. Biskupic records that by 1985 O'Connor "was making a turn from being a reliable conservative vote to becoming a more centrist justice," and her evolution became even more pronounced just a few years later. In 1986 Burger retired, and Rehnquist became chief justice after surviving a bruising Senate confirmation battle. Antonin Scalia won unanimous approval to take Rehnquist's seat, but he "immediately alienated Powell," Biskupic reports. Scalia's first year was also Powell's last. "Your announcement leaves me devastated," O'Connor wrote to Powell upon learning of his retirement. He was "irreplaceable," O'Connor told him, for "no one on the Court has been kinder than you. There is no one with whom I have felt as free to discuss our cases and how to resolve them."

In Biskupic's account, O'Connor's increasing influence came largely at the expense of Brennan. Brennan turned eighty in 1986, and with the old liberal "relying more on his clerks," leadership of the Court began "slipping from Brennan's grasp into O'Connor's," Biskupic writes. "O'Connor managed the resolution of cases in a way that increasingly caught Brennan off guard," and "in negotiations with other justices, she often accentuated her state legislative and state court experience. Her message was that she knew the practical effects of rulings."

BISKUPIC DOES AN IMPRESSIVE job of emphasizing how O'Connor's six years as an Arizona state senator sharpened the skills that allowed her to become an influential justice. O'Connor served a stint as senate majority leader prior to becoming a judge, and Biskupic repeatedly invokes O'Connor's legislative experience as the lens through which her judicial success must be understood. Still, the O'Connor who sat on the U.S. Supreme Court from 1989 until early 2006 repeatedly seemed far more moderate, and far less conservative, than the younger jurist who throughout the early and mid-1980s sounded eager to overturn *Roe* v. *Wade* and eliminate affirmative action.

That move toward the center climaxed soon after O'Connor experienced the first great personal crisis of her life, a diagnosis of breast cancer in 1988. Immediate surgery was necessary, and "she was very scared," her son Jay told Biskupic. "I had never seen her like this." When her "life-threatening experience with cancer" was past, O'Connor exhibited the "increased determination" of "an emboldened survivor," Biskupic writes. "Her confrontations with fellow justices were overt and had a new clarity," as *Webster* v. *Reproductive Health Services*, a 1989 abortion case, starkly revealed. First in a 1983 case, and again in a 1986 one, O'Connor had harshly criticized *Roe* v. *Wade*, but in Biskupic's view

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she "was never ready to sign an opinion undermining the core of *Roe*."

In *Webster*, O'Connor surprised most observers by refusing to join Rehnquist, White, Scalia, and Anthony Kennedy, who had replaced Powell, as the crucial fifth vote against *Roe*. Six years earlier she not only had claimed that *Roe*'s trimester-based analysis of abortion was "on a collision course with itself," but also had declared that "potential life is no less potential in the first weeks of pregnancy than it is at viability or afterward." Those sounded like the words of the nominee who had assured Ronald Reagan that abortion was "abhorrent"; but in *Webster*, "with her vote now the decisive one," O'Connor "retreated" from her earlier criticisms of *Roe* and declined to reconsider its constitutional validity.

Biskupic calls *Webster* "a turning point in [O'Connor's] acceptance of the right to abortion," and in retrospect *Webster* also marked a breaking point between the consistent conservatism that O'Connor demonstrated during her early years on the Court and the far more socially conscious moderation that dominated much of her jurisprudence in the years after 1989. From Kennedy's arrival in early 1988, through the departures of Brennan in 1990, Marshall in 1991, and then White and Blackmun in 1993 and 1994, the Supreme Court saw more than half its membership turn over in just six years. Those changes left O'Connor as the third most senior justice, after Rehnquist and Stevens, and they also solidified her role at the ideological center of a Court that otherwise could split evenly in many high-visibility cases.

THE NEW JUSTICES WHO ARrived in the early 1990s—David Souter and Clarence Thomas as nominees of President George H. W. Bush, and then Ruth Bader Ginsburg and Stephen Breyer as nominees of Bill Clinton—added one vote to the Court's conservative wing and three votes to what passed for the left. None of the newcomers was a crusading judicial progressive in the tradition of Brennan, Marshall, and eventually Blackmun, but the conservative trio of Rehnquist, Scalia, and Thomas found its ability to shift the Court rightward hugely constrained by the three Republican nominees who were evolving in somewhat unexpected ways—first O'Connor, then Kennedy, and finally Souter.

This trio's decisive importance was highlighted in 1992 by the astonishing decision in *Planned Parenthood* v. *Casey*, a case almost everyone had expected would result in *Roe* v. *Wade's* demise. Instead, a five-justice majority re-affirmed abortion's constitutionally protected status. (*Casey* is once again a familiar case owing to then–Judge Samuel Alito's sole dissent in favor of Pennsylvania's spousal-notice requirement when the case was before the U.S. Court of Appeals for the Third Circuit.) When *Casey* reached the Supreme Court, Souter and O'Connor recruited Kennedy, who had endorsed an explicitly anti-*Roe* opinion just three years earlier in *Webster*, as a surprise fifth vote to uphold the core of *Roe*.

At that time, Kennedy was far more extensively excoriated by anti-*Roe* partisans than either O'Connor or Souter. Yet as the years have passed, Souter's supposed apostasy has come to loom larger to conservative right-to-lifers than have O'Connor's or Kennedy's votes. O'Connor's drawn-out retirement from the Court has elicited countless hosannas for her deliberate and consensus-affirming positions on a host of hot-button issues. In decided contrast, the utterly private Souter, who totally shies away from the public-speaking opportunities that repeatedly draw both O'Connor and Kennedy into the public eye, has become the favorite whipping boy for right-wingers angry that the Court has not reversed course on a host of socially controversial issues.

TINSLEY YARBROUGH'S BIOGraphy of Souter is vastly different from Biskupic's life of his colleague. While O'Connor's family members and all her fellow justices except Souter gave interviews to Biskupic, Yarbrough was shut out of Souter's personal circle, with the exception of just a few New Hampshire acquaintances. "He declined to be interviewed for this book, as did his law clerks," Yarbrough writes. "Cooperation in such a project, he told one of his friends, might offend certain of his colleagues on the Court." Ironically, the colleague Souter most likely had in mind was O'Connor, who was always especially leery about scholars' obtaining private information about the justices' work habits. As Biskupic recounts, when O'Connor learned in the early 1990s that Brennan was quietly allowing selected writers to read his old case files, including ones that post-dated her arrival on the Court, she bluntly upbraided him. Several years later, when Marshall's papers were opened to researchers following his death, O'Connor took the lead in protesting their access. But O'Connor and others absorbed an even worse affront in 2004, when Blackmun's copious files became publicly available five years after his death. As Biskupic understatedly reports, multiple "justices revealed privately that they felt Blackmun had betrayed the institution."

Souter's status as the conservatives' *bête noire* hinges on a controversy that dates back to his nomination as Brennan's successor in 1990. At the time, many observers wrongly viewed Souter's selection as the handiwork of White House Chief of Staff John Sununu, a former New Hampshire governor who had promoted Souter from the trial bench to the state Supreme Court in 1983. But as anyone knowledgeable about New Hampshire Republican poli-

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tics recognized, Souter was actually the protégé of Senator Warren Rudman, a decidedly moderate Republican, who had energetically recommended him to President Bush. Years earlier, as New Hampshire's attorney general, Rudman had named Souter his deputy. He then arranged Souter's appointment as his own successor and later to a series of judgeships, culminating with Souter's confirmation to a seat on the U.S. Court of Appeals for the First Circuit earlier in 1990.

For anyone willing to acknowledge the facts, Yarbrough's account of Souter's nomination sets the record straight. Bush himself told reporters at the time that "there was almost a certain recusal on the part of Governor Sununu" during the selection process, and soon thereafter Senator Rudman firmly warned that "it would be a mistake to associate this nomination in any way with John Sununu. John Sununu did not know David Souter at the time that he appointed him to the New Hampshire Supreme Court, other than casually." Indeed, Sununu appointed Souter as payment of a political debt to Rudman, and Sununu's famous claim that Souter's Supreme Court nomination represented a "home run" for conservatives was a bit of right-wing braggadocio that he has never managed to live down.

In 1990 reporters had a difficult time getting a clear read on Souter's judicial record in New Hampshire. Nina Totenberg of National Public Radio complained that Souter's two-hundred-plus written opinions on New Hampshire's high court involved only "the most arcane and uninteresting state issues." In 1977, a local newspaper had quoted Souter as remarking that "I don't think unlimited abortions ought to be allowed," but in 1990 few commentators highlighted an opinion from 1984 in which Souter had applied a state-law precedent with which he personally disagreed. "The consequences of what I believe was an unsound conclusion in that case are not serious enough to outweigh the value of *stare decisis*," he wrote then. In 1990, Souter told one journalist that he viewed himself as being "closer to the center than some but still on the right side," but anyone who watched carefully his confirmation hearing testimony to the Senate Judiciary Committee should have had no doubts that Souter was a judicial traditionalist with an especially high regard for existing precedents. He was in no sense an ideologue.

After winning overwhelming Senate confirmation by a vote of ninety to nine, Souter found the learning curve of a new justice to be steep indeed. He admitted during his first year that he was simply "trying to keep from being inundated by the flow of things to be done," and the following summer he immediately retreated home to New Hampshire. In a letter declining a speaking invitation that Blackmun had proffered, Souter confessed that "I have wanted as much as possible to be alone to come to terms in my own heart with what has been happening to me." He added that "I have also felt a need to engage in some reading and thinking about matters that will be coming before the Court."

Blackmun's now-public papers provide that revealing gem, and others. A year later, after *Casey* had preserved *Roe*'s essence, Souter reiterated to Blackmun that "for the time being I'd like to leave the summer months wholly free for the kind of self-education I have worked at in July and September for the past two years." In a letter to Blackmun in 1994, Souter self-deprecatingly cited "the more frightening gaps of legal learning that the Court's business so clearly exposed" as a reason for his summer isolation. "I need some period of the year when I can make a close approach to solitude. I spend each July decompressing and seeing people throughout the month; when August comes it is time to withdraw as best I can."

These letters to Blackmun will likely remain the best on-the-record portrait of the private Souter for many years to come. Yarbrough recounts one of Souter's New Hampshire friends quoting the justice as saying that he has "the world's best job in the world's worst city," and Souter's strong preference for spending as few days as possible in Washington has long been known. Yet Souter acknowledged not only a deep longing for New Hampshire, but also a strong distaste for the public appearances that have been O'Connor's special forte for more than two decades now. "In a perfect world, I would never give another speech, address, talk, lecture or whatever as long as I live," Souter told Blackmun. "God gave you an element of sociability"—though some of their colleagues might question just how much—"and I think he gave you the share otherwise reserved for me."

Yarbrough endorses today's consensus view that in his fifteen years as a justice Souter has accumulated "an increasingly liberal voting record," so that he now is, "in most issue areas, one of the most liberal justices" on the Court. Similar comments are numerous indeed; Emily Bazelon recently declared in *The Washington Post* that "Souter has simply shifted to the left as the country has shifted to the right." But almost no one who is closely acquainted with Souter will accept such facile characterizations. As a close friend of his recently told the *Concord Monitor*, "I don't think anyone who knows David thinks he's changed one bit since being on the Court." And Warren Rudman, Souter's political sponsor and still a good friend, made the same point to *Legal Times*: "Anyone who ever listened to his testimony would know that he was a judge in the model of Harlan or Frankfurter. He certainly wasn't in the mold of a real conservative." (Rudman may be guilty of a certain ideological presentism in believing that Harlan was not a "real conservative," whereas Scalia and Thomas presumably are.)

But Charles Douglas, a conservative former state Supreme Court justice who served with Souter and whose libertarian streak Souter rarely if ever shared, has protested to the Concord paper that Souter "was a conservative judge, very definitely a conservative judge on the court here. So it was surprising to see him change positions when he got to reading *The Washington Post* every day." Souter does not read *The Washington Post* daily or even weekly, but Douglas's sourness is more than mirrored by John Sununu. Five years ago Sununu acknowledged feeling "a lot of disappointment in where David Souter has ended up on the Court," and more recently Sununu broadened his complaint. "Souter is absolutely different from what Souter and Souter supporters represented he was, not only during the vetting process but during his whole career," he told *Legal Times*. "Everybody is disappointed, and with all due respect to those who were not, they were part of the deception."

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ACCUSING SOUTER AND RUDman, and perhaps others, of practicing "deception" in 1990 is sheer bitterness: if any deception occurred, it was practiced by Sununu on himself. But self-deception may also apply to Souter too, if a little-noted speech he gave three years ago is to be taken at face value. Souter likes flying no more than he enjoys public speaking, so when he traveled to Stanford Law School to speak at a tribute to the late Gerald Gunther, it was a highly unusual gesture. In 1994, Gunther published a definitive biography of Learned Hand, a federal judge in New York who became a famous advocate of judicial restraint during a judicial career that stretched from 1909 until his death in 1961. In 1958, a series of lectures that Hand delivered on the Bill of Rights appeared in book form, and in 1976 Souter cited that small volume as a life-changing experience: "I read it and reread it, and from that came my fatal commitment to the law. And with that commitment a philosophy of constitutional constriction on the law."

Yarbrough correctly emphasizes that "Souter's record on the U.S. Supreme Court is hardly consistent with Hand's jurisprudence"—which makes Souter's tribute to Gunther, and to Hand, very puzzling. "If I had the power, I would see to it that no judge in America entered office without reading Gerry's life of Hand," Souter declared. "It gives good counsel to judges of all times and places, and particularly to appellate judges like me, in the place where I am sitting at this very time."

Souter acknowledged that Hand viewed the exercise of judicial power "with a diffidence near to fear sometimes," but he contended that "Hand's necessities are every judge's common obligations: suspicion of easy cases, skepticism about clear-edged categories, modesty in the face of precedent." Souter said that to "just decide the cases as they come along" is all a judge should aspire to do—but of course Souter, like every justice, does betray at least some clear agendas. In Souter's case, as Yarbrough emphasizes, his strongest commitment is as "the Court's most ardent defender of precedents requiring church-state separation." Yet in practice Souter has never shown any of Hand's exceptional hesitation to strike down dubious government practices, and his "moderately liberal, strongly nationalist jurisprudence firmly grounded in a deep commitment to precedent" is exactly what his confirmation testimony pointed toward.

YARBROUGH CORRECTLY OPINES that given Souter's deep preference for New Hampshire over the nation's capital, "he may have little difficulty deciding to leave Washington sooner rather than later." O'Connor's own retirement announcement took everyone by complete surprise, including her fellow justices. "I heard it on the radio" on the way to work, Scalia told Biskupic. Chief Justice Rehnquist, who died two months later, had told O'Connor that he would not be stepping down, thus clearing the path for O'Connor's own departure. As Biskupic tactfully but straightforwardly reports, O'Connor's decision to retire was based largely upon her husband's increasingly serious struggle with Alzheimer's disease. His mental decline had begun in the late 1990s with odd bouts of forgetfulness, and Biskupic suggests that indiscreet comments that John O'Connor made at an election night party in November 2000 about his wife's desire to retire only during a Republican presidency reflected the disease's impact. Biskupic relates that O'Connor herself privately disputes stories that she was rooting for George Bush over Al Gore that night, but Biskupic's interviews with other justices shed no additional light on O'Connor's subsequent behavior in *Bush* v. *Gore*.

Yet her colleagues' comments to Biskupic do attest to O'Connor's impact on the Court. Biskupic rightly says that O'Connor cannot "be measured in terms of a large constitutional vision," and she acknowledges that O'Connor's proclivity for narrow, fact-specific decisions could produce results that "sowed confusion." As Stephen Breyer, with whom O'Connor developed a bond, told Biskupic, "If there are great unknowns out there, she does not believe you should go further than you have to go."

Biskupic refrains from either endorsing or contesting Jeffrey Rosen's categorization of O'Connor as a "judicial politician" who over time became "even more astute than Congress at reflecting, with exquisite precision, the views of the median American voter." Biskupic likewise hangs back from Rosen's characterization of Antonin Scalia as "an intellectual bully," but she confirms earlier accounts of how Scalia's repeated aspersions about O'Connor's opinions "got under O'Connor's skin." Scalia admitted to Biskupic that he had thrown "an occasional barb" at O'Connor, but John Stevens commented more frankly: "Everybody on the Court from time to time has thought he was unwise to take such an extreme position, both in tone and in position. She probably feels the same way."

SUCH TENSIONS NOTWITHSTANDing, the final decade of the Rehnquist Court was a far happier time than either the Burger years or the late 1980s and early 1990s. "Now, you have a group of people who really enjoy each other's company," Clarence Thomas told Biskupic. On oral argument days, Thomas recounted, all of the justices finally began to eat lunch together "because of Justice O'Connor's insistence." O'Connor may not be leaving behind any constitutional landmarks, but there is no doubt that her impact on the Court reached far beyond simply being The First Woman.

Looking back at the full story of both O'Connor's and Souter's ascendancies to the Court, the lesson is crystal clear that supporters' beliefs about how a nominee will vote, even on an issue where a president himself boldly asks a nominee for her personal commitment, can be dashed when that individual ascends the bench. Neither Sandra Day O'Connor nor David Souter sought to deceive anyone at the time of their selections, but illusions may abound in a highly politicized confirmation process, and on the bench as well. Just as most supporters of O'Connor failed to foresee her judicial trajectory, and many who voted for Souter likewise misunderstood the man before them, so those who cast votes for and against Samuel Alito should have done so with the understanding that predictions about future judicial behavior are often wrong. This is the bad news and the good news. ■

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CAMBRIDGE DIARIST

Summers's End

I KNOW SOMETHING ABOUT THE Harvard academy's propensity for self-pampering and self-importance. And the problem with Larry Summers is that he never joined what the American cultural critic Harold Rosenberg devastatingly called "the herd of independent minds." I'd encountered Summers a few times before his return to Cambridge—most memorably when both of us skulked around a Nashville hotel suite on November 7, 2000, waiting for NBC to decide whether Al Gore or George W. Bush had been elected president. Summers's arrival at Harvard was bracing. The Harvard Corporation had finally decided to bring the university into modern times, and it had chosen an at once dazzling and sober intellectual to do it. You could feel the walls of the faculty club tremble. Well, the walls of the club that serves the Faculty of Arts and Sciences (FAS), anyway. This is an important distinction. There are other faculties at Harvard—law, medicine, public health, business, et cetera—and it's hard to find more than a handful of professors at these places offended by what Summers has said or done. They, in fact, have been cheering him on. So, in forcing Summers's resignation, the FAS, in an alliance of frightened souls and hyped-up orators, has pulled off a coup—facilitated by the fact that hard scientists, true social scientists, and serious humanists lack the inclination to go to conspiratorial caucus meetings.

IT IS IMPORTANT TO NOTE THAT THE LAST Harvard president who left under duress was Nathan Pusey. The Corporation eased him out in 1971 in response to a coalition of angry lefty faculty (I ruefully confess I was one of them) and a volatile student body, somehow blaming Pusey for Harvard snobbism, the Vietnam war, and American racism. This time, the coup was no alliance of professors and undergraduates. In fact, several polls showed that most undergraduates and graduate students wanted Summers to stay on. *The Harvard Crimson* was on his side. When the news wafted through campus that Summers was going to resign, a crowd of several hundred mobbed Massachusetts Hall, shouting, "Five more years!" He'd been called "Larry" by the students almost from the beginning. This was not false intimacy, but affection and appreciation. They understood that, in a very deep sense, he was on their side—and there are sides. Larry taught freshman seminars and regular lecture courses. Since he came, the average debt of graduating seniors has fallen by more than half. He started a desperately needed curricular review that many faculty did not want, and they sabotaged it with a combination of committee truculence and their relentless campaign against him.

ONE COMPLAINT AGAINST SUMMERS IS that he was not tactful. But tact is not the issue. It's conviction that's the issue, and many FAS faculty do not like his convictions. His conviction that ROTC at Harvard should not be held hostage to the Vietnam war. His conviction that a university professor—the highest professorial rank, held by only 19 individuals—should do real scholarship and actually give grades to his students. (This is the famous case of Cornel West, who left for Princeton and now travels the revolutionary circuit, most recently cheering on Venezuela's dictator, Hugo Chávez.) His conviction was that agitation for universities to disinvest from companies doing business with Israel was more than faintly anti-Semitic.

THEN THERE WAS THE CONTROVERSY over the aptitude of women in science and the hysteria among the politically correct that would deny academics (and a university president, in particular) the right to cogitate in public over an intellectually controversial issue. How many conversations have I heard in Cambridge bewailing the fact that politicians are not honest in their views? Well, believe me, when Summers tried to raise a hypothesis —one of many, and not necessarily his own view—on the fraught question of why women are so underrepresented in physics and mathematics, the enraged did not want to hear his honest thoughts. They wanted him to be silent. They wanted him to behave like a politician.

THE KNIFE IN THE BACK CAME OVER THE resignation of the dean of the FAS, William Kirby. I count Kirby as a friend. I like him. I've read some of his work on Chinese history. I'm no expert, but it is persuasive history and elegantly written. Still, the sad fact is that almost no one would have said a few months ago that he was a good dean. Not, that is, until Summers let him go. Then Kirby became a hero and a pawn to those professors who had tried so long to bring Summers down. The fight, of course, was over how future deans would be chosen. It is not clear what process will be mandated, but it is evident that the FAS wants a big hand in the decanal appointment. This is not democracy; it is chaos, the politicization of an academic office.

I DON'T KNOW WHICH OF SUMMERS'S achievements are now in peril. Certainly not the stem-cell research center or the AIDS projects in Africa. The inevitable move linking Harvard in Cambridge to Harvard in Boston across the Charles River will proceed. Google's digitization of the Harvard libraries seems unstoppable. So what is endangered? The élan and confidence with which Harvard links big science with medicine, economics, politics, philosophy, and the arts, no longer separate or separable fields but tied together in their pursuit of humane ends. That is Summers's vision.

AS THE CORPORATION WAS CAUCUSING with faculty, friends of Harvard were a bit dazed by our impending defeat. My friend Yo-Yo Ma was one of these people. He had persuaded Summers that his Silk Road Project to study the movement of music through space and time—and to make and play that music—had a place at Harvard. Summers instantly grasped the idea, and the Silk Road is now part of Harvard's curriculum. "What I like about Larry," said Yo-Yo to me on the phone from a Silk Road program in Charlottesville, Virginia, "is that he understands that nobody knows everything: not he, not you, not me. But he also understands that one cannot have a coherent view of the world without trying to know what the other knows. Larry's is an analytic mind, and yet he makes so much room for the cultural and emotional sphere, even the irrational—that which is ultimately human." So what kind of president will Harvard seek now? Almost certainly a lesser person than the one it just forced out.

MARTIN PERETZ

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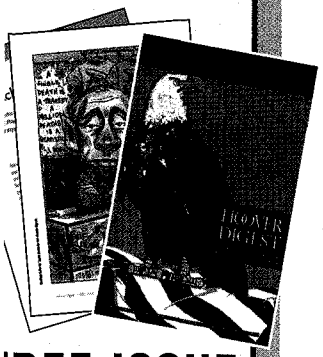

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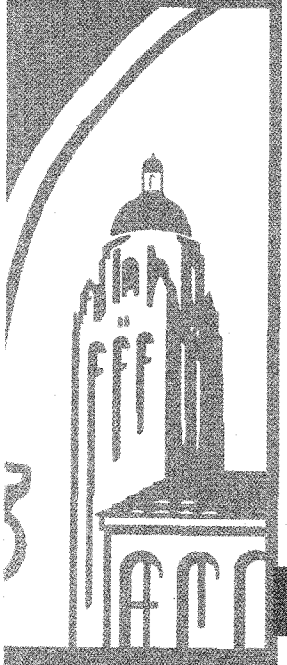

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The Gas War

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After arguing with Ukrainian officials over the price of gas, on January 1, 2006, the Russian company Gazprom abruptly decreased the supply of gas to Ukraine. This action triggered dramatic decreases in the amount of gas reaching Europe.

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The Russian action may have been directed at Ukraine, but it should be pondered in Washington. The current regime in Moscow cannot be trusted to behave as a rational and reliable partner of the West.

—Michael McFaul

That Rarest of Opportunities

Changes to the tax code occur all the time. Not so opportunities for reform

Since the Tax Reform Act of 1986, the tax code has been changed more than 15,000 times. Now riddled with targeted incentives, phase-out rules, and phantom tax rates, the tax code makes it impossible for most taxpayers to understand the rules, let alone to complete their own returns. The code contains at least five different definitions of "child," for example, while families that are interested in setting aside money for the future must attempt to choose among 401(k)s, 403(b)s, 457 plans, 529s, IRAs, Roth IRAs, Coverdell saving accounts, and Health Saving Accounts.

As members of the President's Advisory Panel on Tax Reform, we have become convinced that the country now faces a rare opportunity to simplify and improve the tax code. This presents an opportunity for the most wide-ranging reform since the Tax Reform Act of 1986 itself.

—Edward P. Lazear and James M. Poterba

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Your needs have changed. Your tastes have changed. And The Coca-Cola Company is changing right along with you.

When it comes to meeting the needs and the expectations of parents, educators, government, and, of course, the people who enjoy our products every day, we are listening. And we're doing things to try and make a difference, like providing more options including those that can help people manage their weight.

We're committed to offering products that answer your needs. The Coca-Cola Company now provides more than 80 different products in the United States. Over half of the drinks our customers now choose are low-calorie soft drinks, juices, sports drinks and waters. And the 15 new low-calorie options we added in 2005 provide even more choices.

We're committed to supporting physical activity. Our support of programs that provide nutrition education and physical education help get over 4 million kids in this country informed and up and moving.

We're committed to helping you make informed choices about nutrition. Beginning in 2006, we'll be providing you with more useful information about our beverages and their ingredients beyond the label on the package. It's information designed to help you decide the right role for our products for yourself and your family.

We're committed to listening to your wishes in our advertising practices. Parents have told us that they prefer to be the gatekeeper when it comes to what to serve their children. And for over 50 years we've adhered to a company policy that prohibits advertising full-sugar carbonated soft drinks on television programs primarily viewed by children.

As your needs and tastes change, we're changing right along with you, doing all we can to help *make every drop count*. You can find out more at **coca-cola.com.**

The Coca-Cola Company
make every drop count℠

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